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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 20th May, 1963 :—

Issue No.	No. and Date	Issued by	Subject
93	S.O. 1384, dated 14th May, 1963.	Ministry of Law	Declaration regarding Election to fill Casual vacancy in the House of the People caused by the death of Kesharkumar Devi.
94	S.O. 1385, dated 15th May, 1963.	Ministry of Commerce & Industry.	Making amendments to the Exports (Control) Order, 1962.
95	S.O. 1386, dated 15th May, 1963.	Ministry of Information and Broadcasting.	Approval of films specified therein
96	S.O. 1387, 1388, and 1389, all dated 20th May, 1963.	Ditto.	Approval of films specified therein.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

MINISTRY OF HOME AFFAIRS

New Delhi, the 23rd May 1963

S.O. 1470.—In exercise of the powers conferred by section 44 of the Arms Act, 1959 (54 of 1959), and all other powers enabling it in this behalf, the Central

Government hereby makes the following rules further to amend the Arms Rules, 1962 (published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 987, dated the 13th July, 1962), namely:—

1. These rules may be called the Arms (Third Amendment) Rules, 1963.

2. In clause (f) of rule 2 of the Arms Rules, 1962 (hereinafter referred to as the said rules)—

(a) for sub-clause (i), the following sub-clause shall be substituted, namely,—

“(i) in relation to a Presidency-town or the city of Hyderabad or Ahmedabad, the Commissioner of Police thereof; and in relation to the Presidency-town of Calcutta, also the Deputy Commissioner of Police thereof nominated by the State Government in this behalf;”

(b) for sub-clause (v), the following sub-clause shall be substituted, namely,—

“(v) in relation to the suburbs of Calcutta, as defined by notification issued from time to time by the Government of West Bengal in their Official Gazette under the Calcutta Suburban Police Act, 1866 (Bengal Act II of 1866), the Commissioner of Police, Calcutta, and a Deputy Commissioner of Police, Calcutta, nominated by the State Government in this behalf;”

3. In sub-rule (1) of rule 5 of the said rules,—

(a) for the words “licensing authority”, the words “licensing or other authority” shall be substituted;

(b) in the Table—

(i) for the heading “Licensing Authority”, the heading “Authority” shall be substituted;

(ii) the entries relating to item (b) shall be omitted and the existing items (c) and (d) shall be relettered as items (b) and (c) respectively;

(iii) in column (2) against item (b) as so relettered, for the words “and Rajasthan”, the words “Rajasthan and West Bengal” shall be substituted;

(iv) after item (c) as so relettered, the following item shall be inserted, namely,—

(1)	(2)
“(d) Commissioner of a Division	State Government.”

4. In rule 55 of the said rules, for the existing heading, the following heading shall be substituted, namely:—

“Appeal against the order of a licensing authority or an authority suspending or revoking a licence under section 17(6)”.

[No. F. 15/4/62-P.IV.]

L. I. PARIAJA, Dy. Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 23rd May 1963

S.O. 1471.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Bareilly Corporation (Bank) Ltd., Bareilly in respect of the property held by it at Shahdana, Bareilly till the 15th March 1965.

[No. F. 15(18)-BC/63.]

B. J. HEERJEE, Under Secy.

(Department of Economic Affairs)

New Delhi, the 24th May 1963

S.O. 472.—Statement of the Affairs of the Reserve Bank of India, as on the 17th May 1963

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	20,35,00,000
Reserve Fund	80,00,00,000	Rupee Coin	90,00,000
National Agricultural Credit (Long Term Operations) Fund	61,00,00,000	Small Coin	2,69,00,000
National Agricultural Credit (Stabilisation) Fund	7,00,00,000	National Agricultural Credit (Long Term Operations) Fund—	
Deposits:—		(a) Loans and Advances to:—	
(a) Government		(i) State Governments	27,17,02,000
(i) Central Government	54,11,32,000	(ii) State Co-operative Banks	9,11,57,000
(ii) State Governments	12,19,36,000	(iii) Central Land Mortgage Banks	
(b) Banks		(b) Investment in Central Land Mortgage Bank Debentures	2,84,88,000
(i) Scheduled Banks	83,51,90,000	National Agricultural Credit (Stabilisation) Fund	
(ii) State Co-operative Banks	2,23,08,000	Loans and Advances to State Co-operative Banks
(iii) Other Banks	7,27,000	Bills purchased and Discounted:—	
(c) Others	169,04,87,000	(a) Internal
Bills Payable	29,83,61,000	(b) External
Other Liabilities	79,79,76,000	(c) Government Treasury Bills	56,59,39,000
		Balances Held Abroad*	14,04,78,000
		Loans and Advances to Governments**	49,21,02,000
		Loans and Advances to:—	
		(i) Scheduled Banks†	24,92,20,000
		(ii) State Co-operative Banks††	11,18,08,000
		(iii) Others	3,28,02,000
		Investments	225,84,06,000
		Other Assets	38,21,56,000
Rupees	583,81,17,000	Rupees	583,81,17,000

*Includes Cash and Short-term Securities.

**Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† Includes Rs. 17,49,00,000 advanced to scheduled banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 22nd day of May, 1963.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 17th day of May, 1963

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	20,35,00,000		Gold Coin and Bullion :—		
Notes in circulation	2321,95,55,000		(a) Held in India	117,76,10,000	
Total Notes issued		2342,30,55,000	(b) Held outside India	..	
			Foreign Securities	105,08,43,000	
			TOTAL		223,84,53,000
			Rupee Coin		113,02,50,000
			Government of India Rupee Securities		2006,43,52,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		2342,30,55,000	TOTAL ASSETS		2342,30,55,000

Dated the 22nd day of May, 1963.

M. V. RANGACHARI,
Deputy Governor.

[No. F. 3(2)-BC/63.]

A. BAKSI, Jt. Secy.

(Department of Revenue)

INCOME-TAX ESTABLISHMENTS

New Delhi, the 17th May 1963

S.O. 1473.—In pursuance of clause (b) of Sub-rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, the Central Government has been pleased to appoint the following Income-tax Officers, Class II, as Junior Authorised Representatives, Income-tax Appellate Tribunal, at the places and with effect from the dates mentioned against their names, to appear, plead and act for any Income-tax authority who is a party to any proceedings before the Income-tax Appellate Tribunal.

S. No.	Name	Date from which appointed	Place where posted as Junior Authorised Representative.
1.	Shri K. B. G. Prasada Rao, Income-tax officer, Class II, Hyderabad.	22-4-1963 (A.N.)	Hyderabad
2.	Shri D. V. Narayanachar, Income-tax Officer, Class II, Bombay City, Bombay.	7-5-1963 (A.N.)	Bombay

[No. 33.]

S.O. 1474.—Consequent on their posting as Income-tax Officers, Class I, in the charge of the Commissioner of Income-tax, Delhi, the powers conferred on Sarvashri R. C. Khiwani and B. R. Bhatia by the Ministry of Finance (Department of Revenue) notification No. 267-Income-tax Establishments, dated the 1st September, 1961, are hereby withdrawn with effect from 15th April 1963 (Afternoon) and 3rd April 1963 (Afternoon) respectively.

[No. 34.]

S.O. 1475.—Consequent on their posting as Income-tax Officers, Class I, in the charge of the Commissioner of Income-tax, Bombay City, Bombay, the powers conferred on Sarvashri N. D. Advani and K. C. Rao by the Ministry of Finance (Department of Revenue) Notification No. 281-Income-tax Establishments, dated the 16th September, 1961, are hereby withdrawn with effect from 8th April 1963 and 7th May 1963 (Afternoon) respectively.

[No. 35.]

M. G. THOMAS, Under Secy.

(Department of Revenue)

CUSTOMS

New Delhi, the 25th May 1963

S.O. 1476.—In exercise of the powers conferred by section 6 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following amendment in the notification of the Government of India, Ministry of Finance (Department of Revenue) No. 39 dated the 1st February, 1963, namely:—

In the Table below the said notification in column (1) before the designation of the officer "Tehsildar, Minicoy Island" and the entries relating to that officer the following shall be inserted namely:—

"Divisional Forest Officer, Middle
Andamans

- (i) All functions of an officer of Customs of and below the rank of an Assistant Collector of Customs under the Customs Act, 1962, except those under section 122 of the said Act.
- (ii) Functions under clause (b) of section 122 in respect of offences specified in section 116 and clause (c) of section 122 in respect of other offences."

[No. 139/F.No.21/75/61-Cus.IV.]

S.O. 1477.—In exercise of the powers conferred by clause (a) of section 7 of the Customs Act, 1962 (52 of 1962), the Central Government hereby appoints the place known as Elphinstone Harbour in the Union territory of Andaman and Nicobar Islands to be a customs port for the unloading of imported goods and the loading of export goods or any class of such goods.

[No. 140/F. No. 21/75/61-Com.IV.]

G. SANKARAN, Under Secy.

CENTRAL BOARD OF REVENUE

ESTATE DUTY

New Delhi, the 20th May 1963

S.O. 1478.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Board of Revenue hereby makes the following amendment in its notification No. 28/F.No.21/92/60-ED dated the 20th September, 1960, namely:—

In the said notification, after the words “and Chitaldurg”, the words “of the Mysore State and the territory of Goa in the union territory of Goa, Daman and Diu” shall be inserted.

2. This notification shall be deemed to have come into force on and from the 1st day of April, 1963.

Explanatory Note

(This note is not part of the notification but is intended to be merely explanatory).

This notification has become necessary in consequence of the extension of the Estate Duty Act to the Union Territory of Goa with effect from 1st April, 1963.

[No. 6/F. No. 21/61/63-ED.]

S. R. MEHTA, Secy.

INCOME-TAX

New Delhi, the 21st May 1963

S.O. 1479.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all the previous notifications in this regard, the Central Board of Revenue hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in column 1 of the schedule below, shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

Range	Income-tax Circles, Wards and Districts
1	2
A-Range, Ahmedabad.	1. Group Circle A,B & C, Ahmedabad. 2. Circle V, Ahmedabad.
B-Range, Ahmedabad.	1. Central Circle, Ahmedabad. 2. Special Investigation Circle, Ahmedabad. 3. Circle II, Ahmedabad. 4. Circle III, Ahmedabad. 5. Surenderanagar Circle.

Range 1	Income-tax Circles, Wards and Districts 2
C-Range, Ahmedabad.	1. Circle IV, Ahmedabad. 2. Circle VI, Ahmedabad. 3. Mehsana Circle. 4. Palanpur Circle. 5. Patan Circle. 6. Special Survey Circle, Ahmedabad.
D-Range, Ahmedabad.	1. Group Circle D, E, F, G, H and J, Ahmedabad.
E-Range, Ahmedabad.	1. Circle I, Ahmedabad. 2. Nadiad Circle. 3. Petlad Circle.
A-Range, Baroda.	1. Circle I, Baroda. 2. Navsari Circle. 3. Bulsar Circle.
B-Range, Baroda.	1. Circle II, Baroda. 2. Godhra Circle.
Surat Range.	1. Circle I, Surat. 2. Circle II, Surat. 3. Broach Circle.
Rajkot Range.	1. Rajkot Circle. 2. Morvi Circle. 3. Bhuj Circle. 4. Jamnagar Circle.
Bhavnagar Range.	1. Bhavnagar Circle. 2. Junagadh Circle. 3. Amreli Circle. 4. Porbandar Circle.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 1st June, 1963.

Explanatory Note

NOTE: The amendments have become necessary on account of the reorganisation of the Appellate Ranges in the charges of the Commissioner of Income-tax, Gujarat (This note does not form a part of the notification but is intended to be merely clarificatory).

[No. 24(F.No.50/6/63-IT)]

S.O. 1430-In exercise of the powers conferred by sub-section (1) of the Section 122 of Income-tax Act, 1961 (43 of 1961) and in supersession of all its previous notifications in this regard the Central Board of Revenue hereby directs that the Appellate Assistant Commissioners of Income Tax of the Ranges specified in column 1 of Schedule below shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

Range 1	Income-tax Circles, Wards and Districts 2
Range, New Delhi	1. Income-tax-cum-Wealth-tax Circles I & VII, New Delhi. 2. All Companies Circles, New Delhi except Companies Circle II, New Delhi. 3. B-I, B-I(I), B-III, B-III(I), B-XVI and B-XVI(I) Districts, New Delhi.

1

2

	<ol style="list-style-type: none"> 4. All Salary Circles, Delhi. 5. Central Circles-I(I), V, VI and VII, Delhi. 6. Evacuee Circle, New Delhi. 7. All Contractors Circles, New Delhi. 8. Ward No. VIII, Delhi.
B-Range, New Delhi.	<ol style="list-style-type: none"> 1. Income-tax-cum-Wealth-tax Circles-III and IX, New Delhi. 2. Special Circle & Addl. Special Circle II, New Delhi. 3. Special Investigation Circles-A, B & C, New Delhi. 4. A-I, A-I(1), A-III and Addl. A-III Districts, New Delhi. 5. B-II and B-II(1) Districts, New Delhi. 6. Refund Circle, New Delhi. 7. All Business Circles, New Delhi. 8. Central Circle-II, New Delhi. 9. Ward Nos. VI, IX(1), IX(2), IX(3), IX(4) and IX(5), Delhi.
C-Range, New Delhi.	<ol style="list-style-type: none"> 1. Income-tax-cum-Wealth-tax Circles IV and VIII, New Delhi. 2. Companies Circle-II, New Delhi. 3. Central Circles-III and IV, Delhi. 4. Estate Duty-cum-Income-tax Circle, New Delhi. 5. C-I, C-I(1), C-II and C-III Districts, New Delhi 6. Foreign Section, Delhi 7. Survey Wards Nos. 1 and 2, Delhi 8. Wards Nos. I, I(1), I(2), II, III, IV and V, Delhi.
D-Range, New Delhi.	<ol style="list-style-type: none"> 1. Income-tax-cum-Wealth-tax Circle-V, New Delhi. 2. A-IV and A-IV(1) Districts, New Delhi. 3. B-IX, B-X, B-XI, B-XI(1), B-XII, B-XII(1), B-X III and B-X III (1) Districts New Delhi. 4. Central Circle-I, Delhi 5. Wards Nos. VII, VII(1), VII(2), VII(3) and VII(4), Delhi.
E-Range New Delhi.	<ol style="list-style-type: none"> 1. Income-tax-cum-Wealth-tax Circles-II and VI, New Delhi. 2. A-II, District, New Delhi. 3. B-IV, B-IV(1), B-VIII, B-VIII(1), B-XV, B-XV(1), B-XVIII and B-XVIII(1) Districts, New Delhi.
F-Range, New Delhi	<ol style="list-style-type: none"> 1. B-V, B-V(1), B-VI, B-VI(1), B-VII, B-VII(1), B-XIV, B-XIV(1), B-XIV(2), B-XVII, B-XVII(1), B-X VII(2), B-XVII(3) and B-XVII(4) Districts, New Delhi. 2. Central Circle-II, Delhi. 3. All Private Salary Circles, New Delhi.
A-Range, Jaipur.	<ol style="list-style-type: none"> 1. A, Addl. A, B, Addl. B, and C-Wards, Jaipur. 2. Special Investigation Circles A & B, Jaipur. 3. All Income-tax Wards having headquarters at Kota. 4. Alwar and Addl. Alwar.
B-Range, Jaipur.	<ol style="list-style-type: none"> 1. Estate Duty-cum-Income-tax Circles, Jaipur. 2. D, E, F and G Wards, Jaipur. 3. Beawar. 4. All Income-tax Wards having headquarters at Sriganganagar. 5. Bharatpur, A and B Wards, Bharatpur. 6. A and B Wards, Ajmer. 7. Multipurpose Project Circle, Ajmer.
Jodhpur.	<ol style="list-style-type: none"> 1. All Income-tax Wards having headquarters at Jodhpur. 2. All Income-tax Wards having headquarters at Udaipur. 3. All Income-tax Wards having headquarters at Bikaner. 4. Bhilwara. 5. Pali.

When an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall on and from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall come into force from the 1st June, 1963.

Explanatory Note

The amendments have become necessary on account of the Re-organisation of the Appellate Ranges in the charge of the Commissioner of Income-tax, Delhi.

(This note does not form a part of the notification but is merely clarificatory).

[No. 25(F. No. 50/10/63-IT.)]

J. RAMA IYER, Under Secy.

COLLECTORATE OF CENTRAL EXCISE & LAND CUSTOMS; SHILLONG**CENTRAL EXCISE**

Shillong, the 21st May, 1963

S.O. 1481.—The existing entries in column 4 against serial Nos. 6(i), (ii) and (iii), the following may be substituted, namely:—

"Adjudicating Officers in accordance with their limits of powers".

[Amendment to Notification No. 4/62 dated Shillong the 31st December, 1962.]

[No. C.VI-S/21(1)-62.]

B. S. CHAWLA, Collector.

CENTRAL EXCISE COLLECTORATE, ALLAHABAD

Allahabad the 6th May, 1963.

S.O. 1482.—In exercise of the powers vested in me under rule 5 of the Central Excise Rules, 1944 and in supersession of all previous orders and Notifications issued on the subject as enumerated at the end below, I empower all the officers of the rank mentioned in column 2 of the Table below to exercise within their respective jurisdictions the powers of the Collector under the rules mentioned against each in Column 3 of the said table, subject to conditions and limitations, if any, indicated in column 4 thereof:—

TABLE

Sl. No.	Designation of the Officers	No. of rules	Conditions and Limitations
1	2	3	4
1	Assistant Collector	9	Specification of premises in cases where he is competent to issue and renew licences.
		9B	To exercise powers under sub-rules (2) and (3) including acceptance of Bonds in forms B-13 and B-10
		12	(i) To exercise powers under the proviso added by the M.F.(R.D.) Notification No.8-CER/56 dated 14-7-56 (ii) To exercise powers of condoning delays over 6 months under Note 9(9) below rule 12. (iii) To exercise powers under provisos (iii),(v) and (vii) to Note 1 below rule 12 as inserted by M.F. (D.R.) Notification No. 197/62-C.E. dated 17-11-62.
		12A	To exercise powers for granting rebate in respect of exports relating to ports other than through major ports.

1

2

3

4

- 13 }
14 } ...
- 14A (i) For issuing demand for payment of duty and imposing penalty upto Rs. 250/-.
(ii) To exercise powers for remission of duty in the cases of loss of goods over-board provided the duty involved in each individual case is not more than Rs. 250/-.
- 27(4) For remission of duty due on the goods lost or destroyed by unavoidable accident provided the duty involved in each individual case is not more than Rs. 250/-.
- 38 Full powers subject to certain conditions which the C.B.R. or Collector may impose.
- 43 }
44 } Subject to certain conditions which the C.B.R.
46 } or Collector may impose.
- 47(I)
- 47(3) }
48 } To exercise powers as licensing authority subject to certain conditions which the C.B.R. or Collector may impose.
- 49(2) (i) For remission of duty on excisable goods lost by natural causes or accident subject to the condition that duty involved on goods so lost does not exceed Rs. 500/-.
(ii) For authorising destruction of manufactured excisable goods other than tea provided the amount of duty due thereon does not exceed Rs. 1000/-.
(iii) For supervising destruction of manufactured excisable goods other than tea in cases where the amount of duty involved therein exceeds Rs. 1000/-.
- 57(d) Subject to certain conditions which the C.B.R. or Collector may impose.
- 59
- 65(3)&65(4)
- 71(3) Subject to the condition that a copy of the label approved shall be sent for record in Collector's Office for comparison and check.
- 75 Subject to certain conditions which the C.B.R. or Collector may impose.
- 92-A(3) To determine the period for which a manufacturer may be precluded from working under the special procedure for failure to avail of such procedure during the period for which permission has been granted.
- 92-A(4) To condone delay exceeding 15 days in submission of ASP. for renewal.
- 92-C(2) For condoning delays exceeding (i) 2 days in the case of weekly applications and weekly deposits and (ii) 5 days in the case of monthly applications and monthly deposits.
- 92-E(i) To demand duty at full rate in cases falling within his normal limits of adjudication.
- 92-E(ii) For confiscating goods in cases falling within his competence for adjudication.

1	2	3	4
		92-E(iii)	To debar a manufacturer from availing of special procedure.
		92-E(iv)	To impose penalty within his competence as adjudicating Officer.
		93(b)	For approval of specimens subject to making a report to Collector for the sake of coordination.
		96-I(2)	To accept its ASP application for a period less than the prescribed period.
		96-I(3)	To determine the period for which a manufacturer may be precluded from working under the special procedure for failure to avail of such procedure during the period for which permission has been granted to him.
		96 I(4)	To condone delays <i>exceeding</i> 5 days in submission of A.S.P. application for renewal.
		96-K(2)	For condoning delays <i>exceeding</i> (i) 2 days in the case of weekly application and weekly deposits and (ii) 5 days in the case of monthly applications and monthly deposits.
		96-M(i)	To demand duty full rate in cases falling within his competence for adjudication.
		96-M(ii)	To confiscate goods in cases falling within his competence for adjudication.
		96M(iii)	To impose penalty within his competence, as adjudicating Officer.
		96-O(3)	To determine the period for which a manufacturer may be precluded from working under the special procedure for failure to avail of such procedure during the period for which permission has been granted to him.
		96-O(4)	For condoning delays <i>exceeding</i> 15 days in submission of A.S.P. application for renewal.
		96-Q(2)	For condoning delays <i>exceeding</i> (i) 2 days in the case of weekly applications and weekly deposits and (ii) 5 days in the case of monthly application and monthly deposits.
		96-S(i)	To demand duty at full rate in cases falling within his normal limits of adjudications.
		96-S(ii)	To confiscate goods in cases falling within his competence for adjudication.
		96-S(iii)	To debar a manufacturer from availing of special procedure.
		96-S(iv)	To impose penalty within his competence as adjudicating Officer.
		96-V(2)	..
		96-V(3)	To preclude manufacturer from availing of the special procedure.
		96-Y(3)	To determine the period for which a manufacturer may be precluded from working under special procedure for failure to give proper notice.
		96-Y(4)	To condone delay in submission of A.S.P. application for renewal <i>exceeding</i> 15 days.
		96-Z(2)	To condone delay in submission of application for removal in form A.R.6 and to condone delays in making monthly deposits <i>exceeding</i> 5 days.

1	2	3	4
		96-ZZZ(i)	To demand duty at full rate in accordance with their limits of power.
		96-ZZZ(ii)	To confiscate goods as adjudicating officer in accordance with his normal limits of power.
		96-ZZZ(iii)	To debar a manufacturer from availing of special procedure.
		96-ZZZ(iv)	To impose penalty as adjudicating officer in accordance with his normal limits of power.
		97	..
		100	..
		140	To exercise powers in respect of private bonded ware-houses only. The security shall however, not be demanded without the order of the Collector.
		144	Subject to certain conditions which the CBR or Collector may impose.
		145	To grant extension for the fifth year under proviso (b) subject to the condition that extension if granted shall be for a minimum period of six months at a time.
		147	For remission of duty due on the goods lost or destroyed by unavoidable accident provided the duty involved in each individual case is not more than Rs 250/-
		155	To exercise powers only in case where the bond in question has been originally accepted by him.
		165(2)	..
		180	May exercise the power in respect of licences issued by him, subject to certain conditions which the CBR or Collector may impose;
		183	Subject to the conditions which the CBR or Collector, may impose.
		184	..
		189	..
		191-A(4)	To accept bond in form B-7 (Sec) only
		192	Except for the power of fixing the cost of supervision which is retained by Collector.
		193	..
		196	For remission of duty on excisable goods lost by natural causes or accidents subject to the condition that duty involved on the goods so lost does not exceed Rs.500/-.
		206(3)	May release the seized goods where he is competent to adjudicate the case, pending adjudication on execution of bond by the owner in form-B-II (sec) with suitable security which may be accepted by the Supdts.
		210-A	For acceptance of composition fee not exceeding Rs. 750/- and for composition of offences in cases where the value of goods does not exceed Rs. 5000/-.
		212	(i) For issuing direction for sale by auction of confiscated tobacco in the prescribed manner. (ii) For issuing direction in the prescribed manner for destruction of confiscated

1	2	3	4
			tobacco which fails to attract bidders due to its deteriorated condition
	223-A		..
	224(1)		To accord permission in all cases subject to sending a monthly statement showing the details of such permission granted for Collector's information.
	227(1)		..
	229		..
	230		Subject to certain conditions which the CBR or Collector may impose.
2	Superintendent	3	
		9	(i) Specification of premises in cases where he is competent to issue and renew licences.
			(ii) To accord permission for opening account current in Collector's name in anticipation of Collector's formal approval which shall be obtained by way of submitting a monthly return of all cases through the C.A.O. of C.E. Allahabad.
		9B	To exercise powers under sub-rule (2) and (3) including acceptance of bonds in form B-13 and B-10
		12	To exercise powers under provisos (iii) and (vii) to note 1 below rule 12 as inserted by M.F. (D.R.) Notification No. 197/62-C.E. dated 17-11-62.
		38	Subject to certain condition which the CBR or Collector may impose.
		43, 44	} Subject to certain conditions which the CBR or Collector may impose.
		46	
		47(1)	} To exercise powers as licensing authority subject to certain condition which the CBR or Collector may impose.
		47(3)	
		48	
		49(2)	(i) to order destruction of excisable goods other than tea the amount of duty due thereon does not exceed Rs. 250/-
			(ii) To supervise destruction of manufactured excisable goods other than tea in cases where the amount of duty involved does not exceed Rs. 1000/-.
		57(d)	Subject to certain conditions which the CBR or Collector may impose.
		59	..
		71(3)	Subject to the condition that a copy label approved shall be sent for record Collector's office for comparison check.
		92-A(1)	To accept 1st ASP application for full period for which special procedure can be availed of.
		92-A(2)	To accept 1st ASP application for a period less than the prescribed period.
		92-A(4)	(i) To accept renewal application in form ASP
			(ii) To condone delay not exceeding 15 days in submission of ASP application for renewal.

1	2	3	4
	92-B(3)	To sanction refund of initial deposits paid subject to the monetary limits of Rs. 500/- in each case.	
	92-C(2)	For condoning delay <i>not exceeding</i> (i) 2 days in the case of weekly application and weekly deposits and (ii) 5 days in the case of monthly application and monthly deposits.	
	92-E(i)	To demand duty at full rate in cases falling within his normal limits of adjudications.	
	92-E(ii)	For confiscating goods in cases falling within his competence for adjudication.	
	92-E(iv)	To impose penalty within his competence as adjudicating officer.	
	96-I(r)	To accept 1st ASP application for full period for which special procedure can be availed of	
	96-I(4)	(i) To accept renewal application in form A.S.P. (ii) To condone delays not exceeding 15 days in submission of A.S.P. application for renewal.	
	96-K(2)	For condoning delays <i>not exceeding</i> (i) 2 days in the case of weekly applications and weekly deposits and (ii) 5 days in the case of monthly applications and monthly deposits.	
	96-M(i)	To demand duty at full rate in cases falling within his competence for adjudication.	
	96-M(ii)	To confiscate goods in cases falling within his competence for adjudication.	
	96-M (iii)	To impose penalty within his competence as adjudicating officer.	
	96-MM	To sanction refund of initial deposits subject to the monetary limit of Rs. 500/- in each case.	
	96-O(1)	To accept 1st A.S.P. application for full period for which special procedure can be availed of.	
	96-O(2)	To accept 1st A.S.P. application for a period less than the prescribed period.	
	96-O(4)	(i) To accept renewal application in form A.S.P. (ii) For condoning delays not exceeding 15 days in submission of A.S.P. application for renewal.	
	96-P	To sanction refund of initial deposits made by the manufacturer subject to monetary limit of Rs. 500/- in each case.	
	96-Q (2)	For condoning delay <i>not exceeding</i> (i) 2 days in the case of weekly applications and weekly deposits and (ii) 5 days in the case of monthly applications and monthly deposits.	
	96-S(i)	To demand duty at full rate in case falling within his normal limits of adjudication.	
	96-S(ii)	To confiscate goods in cases falling within his competence for adjudication.	
	96-S(iv)	To impose penalty within his competence as adjudicating officer.	

1	2	3	4
	96-V(I)	To accept A.S.P. application for full period of 6 months.	
	96-Y(1)	To accept 1st A.S.P. application for full period for which special procedure can be availed of.	
	96-Y(2)	To accept first A.S.P. application for a period less than the prescribed period.	
	96-Y(4)	(i) To accept renewal application in form A.S.P. (ii) To condone delay in submission of A.S.P. application for renewal <i>not exceeding 15 days</i> .	
	96-Z (2)	To condone delay in submission of application for removal in form A.R. 6 and to condone delays in making monthly deposits not exceeding 5 days.	
	96ZZZ (i)	To demand duty at full rate, in accordance with their limits of power.	
	96-ZZZ(ii)	To confiscate goods in accordance with their normal limits of power as adjudicating officer.	
	96-ZZZ(iv)	To impose penalty in accordance with their normal limits of power as adjudicating officer.	
	140	To exercise powers in respect of private bonded warehouse only. The security shall however not be demanded without the order of the Collector.	
	144	Subject to certain conditions which the Collector or C.B.R. may impose.	
	145	Only for extension of time limit for a period <i>not exceeding one year</i> under proviso (a)	
	154	..	
	155	To exercise powers only in cases where the bond in question has been originally accepted by him.	
	164	..	
	165 (2)	..	
	175 (4)	..	
	180	May exercise the power in respect of licences issued by him subject to certain conditions which the C.B.R. or Collector may impose.	
	191-B	May exercise full powers under condition (4) and power to receive application of the manufacturer under condition (5) of the Note appearing below the rule.	
	206(3)	(i) To accept bond in form B-11 (Sec. furnished by the owner pending adjudication. (ii) To release the seized goods pending adjudication on execution of bond by the owner in form B-11 (Sec) only in cases where he is competent to adjudicate the case.	
	210-A	Only for acceptance of composition fee not exceeding Rs. 250/- and composition of offences in cases where the value of goods does not exceeds Rs. 1000/-	

I	2	3	4
		212	To direct destruction in the prescribed manner, of confiscated tobacco not exceeding 25 Mds. which fails to attract bidders due to its deteriorated conditions.
		224(1)	To accord permission in all cases subject to sending a monthly statement showing the details of such permission granted for Collector's information.
3 Deputy Superintendent	9(B)		To accept bond in form B-10 under sub-rule (2)
	49(2)		To supervise destruction of manufactured excisable goods other than tea in cases where the amount of duty involved does not exceed Rs. 250/- in each case.
	144		Subject to certain conditions which the Collector or CBR may impose.
4 Inspector	9(B)		To accept bond in form B-10 under sub-rule (2)
	13		For acceptance of individual bonds only.
	27(1)		So far as it relates to issue of licence an acceptance of bond."
	144		Subject to certain conditions which the Collector of CBR may impose.
	153		For acceptance of individual bonds.
5 Sub-Insp.	144		Subject to certain conditions which the CBR or Collector may impose.
6 C.R. Officer I/C a factory	51-A		To allow entry and return of duty paid goods in the factory premises in accordance with the procedure prescribed by Collector.
7 Licensing authority	43		Subject to certain conditions which the C.B.R. or Collector may impose.
	44		
	46		
	47(3)		Do.
	48		Do.
	57(d)		Do.
	140		Power to be exercised in respect of private bonded warehouse only. The security shall however not be demanded without the orders of the Collector.
	180		Subject to certain conditions which the C.B.R or Collector may impose.

2. These orders are in supersession of the following Notification issued from this Collectorate.

1. Notification No. 1/60 dated 24-4-60
2. Notification No. 2/60 dated 4-5-60
3. Notification No. 3/60 dated 17-5-60
4. Notification No. 4/60 dated 14-9-60
5. Notification No. 5/60 dated 12-9-60
6. Notification No. 6/6 dated 7-12-60
7. Notification No. 2/61 dated 27-4-61
8. Notification No. 3/61 dated 13-7-61
9. Notification No. 4/61 (Feb. 1/61) dated 5-7-61
10. Notification No. 5/61 dated 9-8-61
11. Notification No. 6/61 dated 30-9-61
12. Notification No. 7/61 dated 1-11-61
13. Notification No. ICE/1962 dated 19-1-62
14. Notification No. 4/62 dated 13-12-62
15. Notification No. 5/62 dated 31-12-62.

CENTRAL EXCISES

Allahabad, the 13th May, 1963.

S.O. 1483.—In pursuance of the rules 197, 199 and 200 of the Central Excise Rules, 1944, I authorise/empower for the purpose of these rules, all the officers not below the rank of a Sub-Inspector to exercise all the powers conferred on such authorised/empowered Officers by the relevant provisions of the aforesaid rules.

[No. 7 C.E./63.]

S. P. KAMPANI,
Collector.

CENTRAL EXCISE COLLECTORATE: POONA

CENTRAL EXCISE.

Poona, the 16th May, 1963.

S.O. 1484.—In exercise of the powers conferred upon me under Rule 233 of Central Excise Rules, 1944, I direct that all warehouse licensees shall maintain a dryage register to facilitate disposal of cases of losses in transit and in storage. This register shall be maintained in the enclosed form.

(1) The warehouse "Dryage Register" shall be maintained by all licensees of private bonded warehouses and keepers of public bonded warehouses. If a licensee possesses more than one warehouse in the same town or village, he shall maintain a separate register for each such warehouse.

(2) Separate sections shall be opened in this register for showing transit losses and storage losses, processing losses shall not be shown in this register.

(3) All entries in each section of this register shall be serially numbered for the calendar year.

(4) Only those transactions shall be recorded in this register which show any loss even though they may be condoned by the Inspector.

(5) In respect of transit losses, only those cases shall be entered in this record which were covered by the bond executed by the licensee.

Warehouse Dryage Register.

Name and Address of Licensee

L. 5 No.

Losses in Transit/Storage.

Serial No.	Tariff classification & description of tobacco including local name	Sl. No. of entry in W.R. G. 2 (Part I, II or III)	Net weight of goods transported stored	Net weight of goods warehoused cleared	Quantity of loss in transit storage	Percentage of Col. 0 0 4	Action taken on loss	Treasury Challan No. and date under which duty deposited if any.	Remarks
1	2	3	4	5	6	7	8	9	10

[No. C.E.R. 2/63.]

B. D. DESHMUKH, Collector.

CENTRAL EXCISE COLLECTORATE, NEW DELHI

CENTRAL EXCISE

New Delhi, the 20th May, 1963

S.O. 1485.—In the table annexed to this Collectorate Notification No. 9/62-Central Excise, issued under S.O. 70 dated 4th January, 1963, published in part II Section 3, Sub-section (II) of the Gazette of India dated the 12th January, 1963, the following amendment shall be made:—

"For the existing entries against Rule 96-ZZZ(i), (ii) & (iv) the following shall be substituted:—

1	2	3
Adjudicating officers	96-Z (i)	To demand duty at full rate.
Do.	96-Z (ii)	To confiscate goods in accordance with their limits of powers.
Do.	96-Z (iv)	To impose penalty not exceeding Rs. 2000 in accordance with their limits of powers.

[No. C. IV(8)1-CE/63.]

K. NARASIMHAN, Collector.

OFFICE OF THE SUPERINTENDENT OF CENTRAL EXCISE & CUSTOMS, VAPI

NOTICE

Vapi, the 25th May, 1963

S.O. 1486.—Whereas it appears that the below mentioned unclaimed goods which were seized by Customs staff on 8th January 1963 between 8-00 hours to 11-45 hours at Nawapala at Karanja port, were imported from foreign by sea in contravention of Government of India, Ministry of Commerce and Industry, Imports Control order No. 70/55 dated 7th December 1955 as amended and issued under section 3 and 4(A) of the Imports and Exports (Control) Act 1947 and deemed to have been issued under Section 19 of the Sea Customs Act 1878.

2. Now therefore any person claiming the goods is hereby called upon to show cause to the Collector of Central Excise, and Customs, New Central Excise Building, Queen's Road Opp. Churchgate Station, Bombay-1. why the below mentioned below or to show cause against the action proposed to be taken within 30 Customs Act 1878, read with Section 3(2) of the Imports and Exports (Control) Act 1947 and why a penalty should not be imposed on him under Section 167(8) of the Sea Customs Act of 1878.

3. If such a owner fails to turn up to claim the ownership of the goods as mentioned below or to show cause against the action proposed to be taken within 30 days from the date of publication of this notice in the Government of India Gazette, New Delhi, the goods in question will be treated as unclaimed property and the case will be decided accordingly by the Collector of Central Excise and Customs Bombay.

Description of Goods	Quantity	Value
1. Gents wrist watches	836	1,40,650.00.
2. Bifora	30	
Ardath	5	
Castell	4	
Wingo Calendar	2	
Henri Sandoz	47	27,800.00.
2. Ladies wrist watches Henri Sandoz and fills	139	
3. One Electric hairclipper	1	500.00
4. Parkar Fountain Pen	2	40.00
5. One cigrate lighter	1	10.00
6. Darko sollingun hair cutting razor	2	90.00
7. Hair cutting machine	2	75.00
8. Gents wrist watch straps	113	1,695.00
9. Two tins	2	2.00
10. One gunny bag	1	1.00

Description of Goods	Quantity	Value
11. 5 pairs of life saving jackets	5	50.00
12. One plastic round case containing yellow paste	1	1.00
13. Pocket diaries for 1962		1.50
		1,70,915.50

[No. VIII/15-173/62.]

K. M. SHAH,
Superintendent.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, HYDERABAD (DN.)

CORRIGENDUM

Hyderabad-Deccan, the 24th May, 1963

S.O. 1487.—In the existing entries in column 2 against serial Nos. 6(a) and (b) of this office notification (C.E.) No. 1/63, dated 25th January 1963, the following may be substituted, namely:—

“Adjudicating officers in accordance with their limits of powers”

2. Serial Nos. 6(a) and (b) thus merged may be renumbered as 6(a) and 6(c) may be renumbered as 6(b).

[No. 1/63.]

R. C. MEHRA, Collector.

MINISTRY OF COMMERCE AND INDUSTRY

ORDER

New Delhi, the 23rd May, 1963

S.O. 1488.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 18A of the Industries (Development and Regulation) Act, 1951 (65 of 1961), the Central Government hereby appoints Shri P. K. Bardhan as Financial Controller and Member, Board of Management, Messrs Jessop and Company Limited, Calcutta, in the place of Shri A. P. Sarkar and makes the following amendment to the Order in the notification of the Government of India in the Ministry of Commerce and Industry No. S.O. 867 dated the 15th May, 1958 as subsequently continued in force by the Orders in the notification of the Government of India, Ministry of Commerce and Industry No. S.O. 1037 dated the 6th May, 1961 and No. S.O. 1216 dated the 25th April, 1963, namely:—

In the said Order in the notification No. S.O. 867, under the heading “Members”, for item (9) and the entries relating thereto, the following shall be substituted, namely:—

“(9) Shri P. K. Bardhan”.

[No. 8(2)/63-E.I(M).]

S. RANGANATHAN, Secy.

(Office of the Dy. Chief Controller of Imports & Exports)

(Central Licensing Area)

ORDER

New Delhi, the 15th April 1963

S.O. 1489.—Whereas M/s. Aggarwal Iron and Steel Works, Chowk Chintpurni, Bazar Chur Beri, Amritsar or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. DCCI. I(CLA)/86/62/6218 dated 11th December, 1962 purposing to cancel the Licences Nos. (1) A 669462/61 dated 30th December, 1961 for import of Adjustable Hand Reamers for Rs. 500/-, (2) A 665508/61 dated 2nd March, 1962 for import of Adjustable Hand Reamers for Rs. 250/- and (3) A 665507/61 dated 2nd March, 1962 for import of Dies for Rs. 500/- granted to the said M/s. Aggarwal Iron and Steel Works, Chowk Chintpurni, Bazar Chur Beri, Amritsar by the Deputy Chief Controller of Imports and Exports (Central Licensing Area), Janpath Barracks ‘B’ New Delhi, Govt. of India, in the Ministry of Commerce and Industry in exercise of the powers conferred by the Clause-9 of the Import (Control) Order 1955, hereby cancel the said three Licence Nos. (1) A 669462/61 dated 30th December, 1961, (ii) A 665508/61 dated 2nd March, 1962 and (iii) A 665507/61 dated 2nd March, 1962, issued to M/s. Aggarwal Iron and Steel Works, Chowk Chintpurni, Bazar Chur Beri, Amritsar.

[No. DCCI.I(CLA)/86/62/861.]

NOTICE

New Delhi, the 2nd May 1963

S.O. 1490.—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel the Import Licences Nos. A 571451/62/AU-NS/CCI/D, dated 2nd March 1963 valued at Rs. 22,500 for Import of Tools and Accessories as per list attached, A 571452/62/AU-NS/CCI/D, dated 2nd March 1963 valued at Rs. 33,750 for Import of Raw Materials (1) Brass Sheets and Strips, (2) Special Steel in Sheets and Strips and (3) Special Oil etc. and A 571453/62/AU-NS/CCI/D, dated 2nd March 1963 valued at Rs. 1,57,500 for Import of Parts of Watches Assembled movements and unassembled movements, from General Area, granted by the Deputy Chief Controller of Imports and Exports (Central Licensing Area), New Delhi to M/s. Jagana Watch Co., 35-36, Industrial Estate, Srinagar, unless sufficient cause against this is furnished to the Deputy Chief Controller of Imports and Exports (Central Licensing Area), New Delhi within ten days of the date of issue of this notice by the said M/s. Jagana Watch Co., Srinagar, or any Bank, or any other party, who may be interested in it.

2. The reasons for the proposed cancellation are that the above Licences were granted through in advancement or mistake, which are covered by Sub-Clause (a) of Clause 9 of the Imports (Control) Order, 1955.

3. In view of what is stated above M/s. Jagana Watch Co., Srinagar, or any Bank, or any other party, who may be interested in the said licence Nos. A 571451/62/AU-NS/CCI/D, A 571452/62/AU-NS/CCI/D and A 571453/62/AU-NS/CCI/D, dated 2nd March 1963 are hereby directed not to enter into any commitments against the said licence and return the same immediately to the Deputy Chief Controller of Imports and Exports (Central Licensing Area), New Delhi-1.

[No. 3(2)/AM-64/Pol/CLA/187.]

RAM MURTI SHARMA,

Deputy Chief Controller of Imports and Exports.

(Indian Standards Institution)

New Delhi, the 20th May 1963

S.O. 1491.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that amendments to the Indian Standards, given in the Schedule hereto annexed, have been issued under the powers conferred by sub-regulations (1) of regulation 3 of the said regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and date of the Amendment	Brief particulars of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1	IS : 231-1957 Specification for Amyl Acetate.	S.R.O. 2676 dated 24 Aug 1957.	No. 1 April 1963	The existing Appendix A has been substituted by a new one.	1 June 1963
2	IS : 260-1950 Specification for Aluminium Sulphate, Non-Ferrie.	S.R.O. 658 dated 26 March 1955.	No. 2 April 1963	(i) Table I, col. 3, against Sl. No. (v)—Substitute 'To pass test' for 'Nil'.	1 June 1963

(1) (2) (3) (4) (5) (6)

(ii) Appendix A,
clause 3.1, line
1—Substitute '0.5
kg' for '1 lb. (or
450 g)'.

(iii) Appendix A,
clause 3.3, line 2
—Substitute '0.5
kg' for '1 lb. (or
450 g)'.

(iv) Appendix B, sub-
clause 7.2.1—
Substitute the
following for
the existing sub-
clause :

'7.2.1 The material
shall be taken to
have passed the test
if the volume of
standard potas-
sium hydroxide
solution required
does not exceed
the volume of
standard sul-
phuric acid added
to the test solu-
tion'.

3 IS : 274-1951 Spec- S.O. 1748 No. 1 (i) Clause 8.2—Add 1 June 1963.
ification for Shovels dated 29 July April 1963.
(Revised). 1961.

'A method of pre-
servative treat-
ment is given in
the following note
for general guid-
ance :

NOTE.—The finished
handles should be
soaked in a 5-per cent
solution of boric acid
and borax (1:1) in
water. The solution,
with the handles com-
pletely submerged in
it, should be heated
to 80°C, maintained
at that temperature
for one hour, and
thereafter allowed to
cool at 40° C. The
handles shall then be
removed and allowed
to dry in air for
some time under a
shed before storing.
The solution should
preferably be made
in non-ferrous vats'.

(1)	(2)	(3)	(4)	(5)	(6)
-----	-----	-----	-----	-----	-----

(ii) Fig. 1 to 4—Add the word "Approx." after the angle showing the inclination of shovel handle to the bottom surface of blade.

(iii) Table V—(a) First col. second row :

Substitute 1.5

$$\left[\begin{array}{l} +10\% \\ -5\% \end{array} \right] \text{ for } 1.4 \left[\begin{array}{l} +10\% \\ -5\% \end{array} \right]$$

(b) Dimension G:

Substitute 15

$$\left[\begin{array}{l} +3 \\ -0 \end{array} \right] \text{ for } 16 \left[\begin{array}{l} +3 \\ -c \end{array} \right]$$

 and

$$30 \left[\begin{array}{l} +3 \\ -0 \end{array} \right] \text{ for } 32 \left[\begin{array}{l} +3 \\ -0 \end{array} \right]$$

(c) Dimension H—
 Substitute '45' for '44', and '55' for '57'.

(iv) Fig. 5—Add the following footnote under the figure :
 'The diameter of pins shall be 5 mm'

(v) Fig. 6—Add the following footnote under the figure :
 'Only one rivet shall be used for fastening the steel crutch to the handle instead of two rivets in staggered position'.

4 IS : 565-1961 Specification for DDT Water Dispersible Powder Concentrates (*Revised*). S.O. 2242 dated 21 July 1962. No. 1 March 1963. The existing clause 5.1 has been substituted by a new one. 1 June 1963

5 IS : 632-1958 Specification for BHC Emulsifiable Concentrates (*Revised*). S.O. 1438 dated 27 June 1959. No. 1 March 1963. (i) Sub-clause 3.2.1—Substitute the following for the existing sub-clause: '3.2.1. Description—The material shall be a stable liquid free from extraneous impurities and shall have no objectionable odour.' 1 June 1963

(1)	(2)	(3)	(4)	(5)	(6)
-----	-----	-----	-----	-----	-----

- | (1) | (2) | (3) | (4) | (5) | (6) |
|-----|--|---|-----|--|-------------|
| | | | | (ii) Sub-clause 3.2.2
—Delete the existing sub-clause and renumber sub-clauses 3.2.3 to 3.2.6 to read as '3.2.2 to 3.2.5'. | |
| | | | | (iii) Sub-clause 3.2.6 (now renumbered as 3.2.5), line 3—Substitute '3.2.1 to 3.2.4 and 3.3.1' for '3.2.1 to 3.2.5 and 3.3.1'. | |
| | | | | (iv) Appendix B—Delete the Appendix. | |
| | | | | (v) Clause 1-2.1, lines 6 and 7—Substitute '24 hours' for 'a week'. | |
| 6 | IS : 665-1954 Method for Determination of Relaxation Shrinkage of Woven Fabrics Containing Wool. | S.R.O. 658 No. 26 April 1963, March 1955. | I | All quantities and dimensions in this standard have now been given in metric system. | 1 June 1963 |
| 7 | IS : 618-1955 Specification for Picking Arms (or Sticks) for Jute Looms. | S.R.O. 774 No. 19 April 1963, 1955. | I | fps values in this standard have been dropped and the metric values have been given in their place. | 1 June 1963 |
| 8 | IS : 705-1955 Specification for Dry Battery-Operated Community Radio Receivers (Tentative). | S.R.O. 1172 No. 4 June 1963, 1955. | 6 | All quantities and dimensions in this standard have now been given in metric system. | 1 June 1963 |
| 9 | IS : 706-1955 Specification for AC Mains Operated Community Radio Receivers (Tentative). | S.R.O. 1172 No. 4 June 1963, 1955. | 6 | All quantities and dimensions in this standard have now been given in metric system. | 1 June 1963 |
| 10 | IS : 759-1956 Specification for Blanks for Swells of Jute Looms. | S.R.O. 1320 No. 9 June 1963, 1956. | I | All quantities and dimensions in this standard have now been given in metric system. | 1 June 1963 |
| 11 | IS : 760-1956 Specification for Blanks for Jute Spinning Roller Discs. | S.R.O. 1320 No. 9 June 1963, 1956. | I | All quantities and dimensions in this standard have now been given in metric system. | 1 June 1956 |
| 12 | IS : 878-1956 Specification for graduated Measuring Cylinders. | S.R.O. 825 No. 16 March 1957. | I | Table II, col. 3, against item 5—substitute '260' for '250'. | 1 June 1963 |
| 13 | IS : 892-1957 Specification for Handloom Woollen Blankets, Natural Grey. | S.R.O. 1546 No. 18 May 1963, 1957. | 2 | The existing renumbered clause 4.2 has been substituted by a new one. | 1 June 1963 |

(1)	(2)	(3)	(4)	(5)	(6)
14.	IS : 899-1956 Specification for Sago (Saboodana).	S.R.O. 656 dated 2 March 1957.	No. 1 April 1963.	The existing clause 6.1 has been substituted by a new one.	1 June 1963 ³
15.	IS : 1045-1957 Specification for Cotton Fabric for Covering Plywood in Aircraft.	S.R.O. 2029 dated 22 June 1957.	No. 1 March 1963.	<p>(i) Clause 0.3—Add the following at the end of the clause :</p> <p>‘IS: 1383-1960 Method for Determination of Scouring Loss in Grey and Finished Cotton Textile Materials</p> <p>IS : 1390-1961 Methods for Determination of pH Value of Aqueous Extracts of Textile Materials’.</p> <p>(ii) Clause 3.2, lines 4 and 5—Substitute ‘pH value’ for ‘chemical neutrality’.</p> <p>(iii) Sub-clause 7.3.1.—Delete the existing sub-clause and substitute the following :</p> <p>‘7.3.1. The percentage of scouring loss of fabric in a lot shall be determined by the method prescribed in IS: 1383-1960’.</p> <p>(iv) The existing clauses 7.4 and 7.4.1. have been substituted by new clauses.</p> <p>(v) Appendices B and C have been deleted.</p>	1 June 1963
16.	IS : 1163-1958 Specification for Covering Chocolate.	S.O. 567 dated 14 Mar. 1959.	No. 1 March, 1963.	<p>(i) Clause J-2.4.2, Note 4, line 16—Delete the words ‘for more than a few seconds’.</p> <p>(ii) Clause J-2.4.2, Note 5, lines 4 to 6—Delete the words ‘except when it may be removed for a few seconds to ascertain if the end point is reached’.</p>	1 June 1963.

(1)	(2)	(3)	(4)	(5)	(6)
17.	IS : 1165-1957 Specification for Milk Powder (Whole and Skim).	S.O. 1349 dated 12 July 1958.	No. 1 Nov. 1963.	A note has been added under clause F-1.1.	1 June 1963
18.	IS : 1251-1958 Specification for Zinc Phosphide, Technical.	S.O. 2247 dated 1 Nov. 1958.	No. 2 March 1963	<p>(i) Clause 4.1—Substitute the following for the existing clause :</p> <p>‘4.1 The material shall be packed in clean and dry airtight containers made of galvanised steel sheet, tinplate, or mild-steel.’</p> <p>(ii) Clause B-4.1, lines 6 to 8—Substitute the following:</p> <p>‘Assemble the apparatus as shown in Fig. 1 (without dilute sulphuric acid in the separating funnel B). Pass the nitrogen gas slowly through the apparatus so as to displace the air. Disconnect the nitrogen gas tube and place 100 ml of dilute sulphuric acid in the separating funnel B. Connect the nitrogen gas tube to the funnel again.’</p> <p>for</p> <p>‘Place 100 ml of dilute sulphuric acid in the separating funnel B. Assemble the apparatus as shown in Fig. 1.’</p>	Immediate effect.
19.	IS : 1287-1958 Specification for Electric Toasters.	S.O. 1231 dated 30 May 1959.	No. 1 April 1963.	Clause 4.9—Add the following at the end of the clause : <p>‘Alternatively, the elements shall be provided with guards in the form of wire mesh or similar device such that the live parts are not accessible to the test pin conforming to IS : 1401-1959 Specification for</p>	1 June 1963..

(1)	(2)	(3)	(4)	(5)	(6)
				Accessibility Test Probes, when used as specified therein, provided it is also ensured that the guard is mechanically strong'.	
20.	IS : 1310-1958 Specification for Emulsifiable Concentrates.	S.O. 2834 dated 26 Dec. 1959.	No. 1 March 1963.	The existing clause 5.1 has been substituted by a new one.	1 June 1963.
21.	IS : 1472-1959 Methods of Sampling Ferro Alloys.	S.O. 1572 dated 25 June 1960.	No. 1 Feb. 1963.	(i) Designation—Substitute 'IS: 1472 (Part 1)—1959' for 'IS : 1472-1959' (ii) Title—Delete the existing title and substitute the following : Indian Standard METHODS OF SAMPLING FERRO ALLOYS, PART I.	1 June 1963.

Copies of these Amendment Slips are available, free of cost, with the Indian Standards Institution, Manak Bhavan, 9 Mathura Road, New Delhi-1, and also at its Branch Offices (i) 232 Dr. Dadabhoy Naoroji Road, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, (iii) 2/21 First Line Beach, Madras-1, and (iv) 14/69 Civil Lines, Kanpur.


[No. 21/5]

[No. MD/13:5]

S.O. 1492—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, as amended in 1962, the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, as amended in 1961, and the rules and regulations framed thereunder, shall come into force with effect from 15th June, 1963.




THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Products to which applicable	No. and Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark.
(1)	(2)	(3)	(4)	(5)
I	IS : 624 	Bicycle Rims	IS : 624-1961 Specification for Bicycle Rims (Revised).	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

S.O. 1493—In partial modification of the Standard Mark, notified in the Schedule annexed to the Ministry of Commerce and Industry, (Indian Standards Institution) Notification No. S.O. 878, dated the 31st March, 1960 published in the Gazette of India, Part II, Section 3, sub-section (ii), dated the 9th April, 1960, the Indian Standards Institution hereby notifies that the Standard Mark for Hydrochloric Acid, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been revised.

This Standard Mark for the purpose of Indian Standards Institution (Certification Marks) Act, 1952, as amended in 1961 and the Rules and Regulations framed, thereunder, shall come into force with immediate effect.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Products	No. and Title of the Relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
I	<p>IS: 265</p>  <p>AR</p> <p>IS: 265</p>  <p>PURE</p> <p>IS: 265</p>  <p>TECHNICAL</p>	Hydrochloric Acid.	IS : 265-1962 Specification for Hydrochloric Acid (Revised).	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram and the relevant grades designation being subscribed under the bottom side of the monogram as indicated in the designs.

[No. MD/17 : 2/A]

S.O. 1494—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that the marking fee per unit for Bicycle Rims details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 15th June, 1963.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
I	Bicycle Rims	IS : 624-1961 Specification for Bicycle Rims (Revised).	One Rim	1 nP per unit for the first 1,00,000 units; 1/2 nP. per unit for the 100,001st unit and above with a minimum of Rs. 2,000.00 for production during a calendar year.

[No. MD/18 : 2]

A.N. GHOSH,

Ag. Director.

[illegible]

Plot Nos. to be acquired.

Part of Reserved forest.

Boundary description:

A—B—C lines passes through Reserved forest and meeting at point 'C'.

C—D—E—F—G—U—T lines passes through Reserved forest (which is also the common boundary of A.R. and M.R.) and meeting at point 'T'.

T—H line passes through Reserved forest and meeting at Point 'H'.

H—I line passes through Reserved forest and meeting at Point 'I'.

I—J line passes through Reserved forest and meeting at point 'J'.

J—K line passes through Reserved forest and meeting at point 'K'.

K—L line passes through Reserved forest & meeting at point 'L'.

L—A line passes through Reserved forest and meeting at point 'A'.

[No. F.C2-25(4)/61.]

New Delhi, the 22nd May, 1963

S.O. 1496.—Whereas by the notification of the Government of India in the Department of Mines and Fuel (Ministry of Steel, Mines and Fuel) S.O. 1333 dated the 2nd June, 1961 under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in lands measuring 1317.76 acres in the locality specified in the Schedule appended to that notification and reproduced in the Schedule appended hereto;

And whereas in respect of the said lands, no notice under sub-section (1) of section 7 of the said Act has been given;

Now, therefore, in exercise of the powers conferred by the said sub-section (1) of section 7, the Central Government hereby specifies a further period of one year commencing from the 2nd June 1963 as the period within which the Central Government may give notice of its intention to acquire the said lands or of any rights in or over such lands.

SCHEDULE

Drg. No. Re:

Dated 9-11-1960

(LOIYO BLOCK)

Sl. No.	Village	Thana	Thana No.	District	Area in acres	Remarks
1.	Loiyo	Mandu	162	Hazaribagh	1283.60	Part
2.	Danea	Gumia	32	"	8.50	"
3.	Tilaiya	Gumia	35	"	25.60	"
Total :—					1317.70 acres (Approx.)	

Boundary Description :

AB line passes through village Loiyo of Mandu Thana.

BC line passes through village Loiyo of Mandu Thana.

CD line passes along part of the common boundary of thana Mandu and Gumia.

DEFG line passes along the Right Bank of River Chothea.

GHA line passes through village Loiyo of Mandu Thana.

[No. C2-20(13)/60.]

S.O. 1497.—Whereas by the notification of the Government of India in the Department of Mines and Fuel (Ministry of Steel, Mines and Fuel) S.O. 1334 dated the 2nd June 1961 under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in lands measuring 3520.00 acres in the locality specified in the Schedule appended to that notification and reproduced in the Schedule appended hereto;

And whereas in respect of the said lands, no notice under sub-section (1) of section 7 of the said Act has been given;

Now, therefore, in exercise of the powers conferred by the said sub-section (1) of section 7, the Central Government hereby specifies a further period of one year commencing from the 2nd June 1963 as the period within which the Central Government may give notice of its intention to acquire the said lands or of any rights in or over such lands.

SCHEDULE

Drg. No. Rev/97/60

Dated 9-11-1960

PUNDI BLOCK

Sl. No.	village	Thana	Thana No.	District	Area in Acres	Remarks.
1.	Mandu	Mandu	114	Hazaribagh	569.60	Part
2.	Kekebasaudi	"	115	"	300.80	"
3.	Pundi	"	116	"	2131.40	"
4.	Parej	"	117	"	7.00	"
5.	Barughutu	"	118	"	5.00	"
6.	Duni	"	119	"	135.00	"
7.	Bongahara	"	120	"	371.20	"

Total 3520.00 Acres (Approx.)

Boundary Description :

AB line passes through villages Kekebasaudi, Pundi and Parej.

BCDEFGHIJ line passes along the left bank of River Bokaro, through villages Pundi and Duni, again along left bank of River Bokaro.

JK line passes through villages Duni and Bongahara.

KLMN line passes along Boundary line of villages Bongahara, Pundi and Mandu.

NO line passes through village Mandu.

OA line passes through villages Mandu and Kekebasaudi.

[No. C2-20(13)/60.]

New Delhi, the 25th May 1963

S.O. 1498.—Whereas it appears to the Central Government that coal is likely to be obtained from the land mentioned in the schedule hereto annexed.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

SCHEDULE

Drg. No. Rev/39/63.
Dated 16-4-1963.

Sl. No.	Village	Tashil	Halika No.	Khewat No.	Dist.	Area	Remarks
1	Korai . . .	Katghora	48	91	Bilaspur		Part
2	Purena . . .	"	50	10	"		"
3	Mandwadhora . . .	"	50	11	"		"
4	Rohina . . .	"	7	24	"		"
5	Ghatmunda . . .	"	"	"	"		"
6	Kuchena . . .	"	7	25	"		"
7	Mangaon . . .	"	"	"	"		"
8	Bhairotal . . .	"	7	23	"		"
9	Geora . . .	"	5	91	"		"
10	Dhurena . . .	"	"	"	"		"
11	Barpali . . .	"	"	"	"		"
12	Jail . . .	"	9	97	"		"
13	Durpa . . .	"	9	118	"		"
14	Tatraj (U.S.) . . .	"	"	"	"		"
15	Barampur (US) . . .	"	9	"	"		"
16	Charpara . . .	"	8	99	"		"
17	Korba . . .	"	"	"	"		"
TOTAL AREA						5760.00 acres (Approx.) or 2332.80 Hectares (Approx.)	

BOUNDARY DESCRIPTION

- A—B line passes through village Korai and meets at point 'B'.
- B—C line passes through villages Korai, Dhurena, Mandwadhora, Ghatmunda, Mangaon, Geora, Barpali, Durpa, Tatraj (U.S.) and through river Hasdoe in villages Tatraj (US), and Korba and meet at point 'C'.
- C—D line passes along the part left bank of River Hasdoe in village Korba and meets at point 'D'.
- D—E line passes through River Hasdoe in villages Korba and Charpara and meets at point 'E'.
- E—F line passes along the part Right bank of River Hasdoe in villages Charpara, Barampura (US) and Durpa and meets at point 'F'.
- F—G line passes through villages Durpa, Jail, along the common boundary of villages Barpali and Khamaria through villages Geora, Bhairotal, Kuchena, Rohina and meets at point 'G' (which is also the part common boundary of NCDC's Ghordewa Block notified U/S 9).
- G—A line passes through villages Rohina, Mandwadhora, Purena Korai and meets at point 'A' (which is also the part common boundary of NCDC's Banki-Surakachbar block notified U/S 9).

[No. C2-22(10)/63.]

CORRIGENDUM

New Delhi, the 23rd May 1963

S.O. 1499.—The map in respect of area notified in the notification of the Government of India, in the Ministry of Mines and Fuel, S.O No. 1133, dated the 10th April, 1963, published in Part II, Section 3, Sub-Section (ii) of the Gazette of India, dated the 20th April, 1963, may be inspected in the office of the National Coal Development Corporation Ltd. (Revenue Section) Darbhanga House, Ranchi or in the office of the Deputy Commissioner, Dhanbad.

[No. C2-20(5)/63.]

P. S. KRISHNAN. Under Secy.

ORDER*New Delhi, the 22nd May 1963*

S.O. 1500.—In exercise of the powers conferred by section 5 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following amendment in the Order of the Government of India in the late Ministry of Production No. S.R.O. 1185, dated the 2nd April, 1957, namely:—

In the Schedule annexed to the said Order, in column 4, against Serial No. 13, after the words "distribution of coal received", the words "or produced" shall be inserted.

[No. 11/2/63-CL.]

N. L. RAU, Dy. Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS**(Department of Commns. & Civil Aviation)***New Delhi, the 21st May 1963*

S.O. 1501.—In pursuance of sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Communications No. SRO 631-B dated the 28th February, 1957, namely:—

In the Schedule to the said notification, in Part II, General Central Service, Class III, under the heading "Monitoring Organisation", after the existing entries in column 1, the following entry shall be inserted, namely:—

"Technical Assistant, Grade II".

[No. 27-E(36)/63.]

T. R. MANTAN, Dy. Secy.

MINISTRY OF EDUCATION*New Delhi, the 24th May 1963*

S.O. 1502.—In exercise of the powers conferred by sub-section (3) of section 8 of the Provident Funds Act, 1925 (XIX of 1925), the Central Government hereby adds to the schedule to the said Act the name of the following public institution, namely:—

"The Central Social Welfare Board."

[No. F. 1-51/62-SW.3.]

S.O. 1503.—In exercise of the powers conferred by sub-section (2) of section 8 of the Provident Funds Act, 1925 (XIX of 1925) the Central Government hereby directs that the provisions of the said Act shall apply to the Contributory Provident Fund established for the benefit of the employees of the Central Social Welfare Board.

[No. F. 1-51/62-SW.3.]

NAUHRIA RAM,
Dy Educational Adviser.

MINISTRY OF WORKS, HOUSING & REHABILITATION**(Department of Rehabilitation)****(Office of the Chief Settlement Commissioner)***New Delhi, the 17th May 1963*

S.O. 1504.—Whereas the Central Govt. is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the

State of U.P. for a public purpose being a purposes connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Govt. has decided to acquire and hereby acquires the evacuee properties specified in the schedule hereto annexed.

A SCHEDULE

All properties in the State of U.P. which have vested in the Custodian under section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officers under the provisions of the said Act upto 31st March, 1963 and in respect of which no appeals have been filed and if filed, have been rejected by the Appellate Officers.

[No. 2(21)/Comp. & Prop/61.]

New Delhi, the 18th May, 1963

S.O. 1505.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the State of Punjab for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons. Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the schedule hereto annexed.

THE SCHEDULE

All properties in the state of Punjab which have vested in the Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officers under the provisions of the said Act upto 31st March, 1963, and in respect of which no appeals have been filed and if filed, have been rejected by the Appellate Officer (officers) concerned.

[No. 16(18)/58-Prop-II-Comp.]

M. J. SRIVASTAVA,

Settlement Commissioner and *Ex-officio*,

Under Secy.

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 22nd May 1963

S.O. 1506.—In pursuance of the provisions of sub-section (4) of Section 22 of the Delhi Development Act, 1957 the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the schedule below for placing it at the disposal of the Land and Development Officer, Ministry of Works Housing and Supply, Government of India, New Delhi.

SCHEDULE

Piece of land measuring 284 sq. yds. bearing Plot No. 49, Block No. IC situated in W.E.A. Karol Bagh, Delhi.

The above piece of land is bounded as follows:—

NORTH: Road along Rly. Line

SOUTH: Plot No. 48.

EAST: Road No. 3

WEST: Service Road.

[No. S.5(17)62.]

R. K. VAISH, Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 21st May 1963

S.O. 1507.—In pursuance of clause (c) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby nominates, in consultation with the Bengal Chamber of Commerce and Industry, an organisation of employers in the State of West Bengal which has been recognised for the purpose by the Central Government, Shri A. D. Ogilvie, as a member of the Regional Committee for the State of West Bengal in the vacancy caused by the resignation of Shri A. R. Foster, and makes the following further amendment in the notification of the Government of India in the late Ministry of Labour, No. S.R.O. 1278, dated the 27th June, 1953, namely:—

In the said notification, for entry (5), the following entry shall be substituted, namely:—

“(5) Shri A. D. Ogilvie
C/o M/s. Andrew Yule & Co. Ltd.,
8-Clive Row,
Calcutta-1”.

[No. 12(1)/63-PF.II.]

New Delhi, the 27th May 1963

S.O. 1508.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri Kaliprosad Chakraborty to be an Inspector for the whole of the State of West Bengal for the purposes of the said Act or of any scheme framed thereunder, in relation to an establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 20(49)/63-PFI.]

S.O. 1509.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri K. G. Narang to be an Inspector for the whole of the State of Madhya Pradesh for the purposes of the said Act or of any scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a mine or an oil-field, or a controlled industry.

[No. 20(36)/63-PFI.]

SHAH AZIZ AHMAD, Dy. Secy.

New Delhi, the 21st May 1963

S.O. 1510.—In exercise of the powers conferred by sub-regulation (1) of regulation 11 of the Coal Mines Regulations, 1957, the Central Government hereby appoints Shri J. J. Evans, Chief Mining Engineer, East India Coal Co., Jealgora, as a member of the Board of Mining Examinations for the period upto the 30th June, 1964, vice Shri F. G. Massmann, and also reappoints Shri B. C. Shah, Agent, Sandra Bansjora Colliery, P.O. Bansjora, Distt. Dhanbad, as a member of the said Board from the 26th May, 1963 to the 30th June, 1964.

It is hereby notified for general information that the Board of Mining Examination will consist of the following persons who have been appointed by the Central Government as Chairman and members thereof from the dates and for the periods shown against each, namely:—

1. Shri G. S. Jabbi, Chief Inspector of Mines—Chairman (*Ex-officio*)
2. Shri R. M. Fairbank, Member—6th January 1962 (Three years)
3. Shri J. J. Evans, Member—Upto the 30th June, 1964.
4. Shri B. C. Shah, Member—From the 26th May, 1963 to the 30th June 1964.
5. Shri S. N. Sehgal, Member—1st July 1961 (Three years)

[No. 3/1/63-MI.]

New Delhi, the 23rd May 1963

S.O. 1511.—In exercise of the powers conferred by sub-regulation (1) of regulation 11 of the Metalliferous Mines Regulations, 1961, the Central Government hereby appoints Shri R. S. Stead, Managing Director, Messrs. Manganese Ore (India) Ltd., 3 Mount Road Extension, Nagpur (Maharashtra), as a member of the Board of Mining Examinations *vice* Shri E. A. Walker resigned and makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment No. 1846 dated the 28th July, 1961, namely:—

Against item (4), for the existing entry, the following entry shall be substituted, namely:—

"Shri R. S. Stead, Managing Director, Messrs. Manganese Ore (India) Ltd, 3 Mount Road Extension, Nagpur (Maharashtra)".

[No. 3/2/63-MI.]

New Delhi, the 25th May 1963

S.O. 1512.—In exercise of the powers conferred by sub-section (1) of section 83 of the Mines Act, 1952 (35 of 1952), the Central Government hereby exempts the persons employed under the Keymore Limestone Quarry and specified in column (1) of the Schedule hereto annexed from the operation of the provisions of the said Act specified in column (2) thereof, subject to the condition, specified in column (3) thereof.

Name of classes of persons exempted	Provision from which exemption is granted.	Condition attached for exemption
1	2	3
Workers employed on work which for technical reasons must be carried on continuously.	Section 30, 31, 34 and Sub-section (5) of section 36.	Applicable only when the person succeeding him fails to report for duty without prior notice.

[No. 6/1/63-MI.]

R. C. SAKSENA, Under Secy.

New Delhi, the 23rd May 1963

S.O. 1513.—In exercise of the powers conferred by sub-section (3) of section 5A, read with section 9 of the Dock Workers (Regulation of Employment) Act 1948, (9 of 1948) the Central Government hereby appoints Shri D. Banerjee, as a member of the Vizagapatnam Dock Labour Board *vice* Shri S. K. Mukherjee deceased, and directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 2692, dated the 30th November, 1959, namely:—

In the said notification, under the heading "Members representing the employers of dock workers and shipping companies" in item (2), for the entry Shri S. K. Mukherjee, the entry "Shri D. Banerjee" shall be substituted.

[No. 526/12/62-Fac.]

S.O. 1514.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Bombay Dock Workers (Regulation of Employment) Scheme, 1956 the same having been previously published as required by the said sub-section, namely:—

AMENDMENT SCHEME

1. This Scheme may be called the Bombay Dock Workers (Regulation of Employment) Amendment Scheme, 1963.

2. In the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, in clause 35, for the figures '11', figures '13' shall be substituted

[No. 520/4/62-Fac.]

K. D. HAJELA, Under Secy.

New Delhi, the 23rd May 1963

S.O. 1515.—Whereas the Government of the State of Kerala has, in pursuance of the powers conferred by clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri A. Sethumadhava Menon, Secretary to the Government of Kerala, Health and Labour Department, as a member of the Employees' State Insurance Corporation representing that Government;

Now, therefore, in pursuance of the provisions of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 1879, dated the 11th June, 1962, namely:—

In the said notification, under the heading "Members", under the sub-heading "(Nominated by the State Governments under clause (d) of section 4)" in item 12, for the entries "Shri K. K. Raman Kutty", the entries "Shri A. Sethumadhava Menon" shall be substituted.

[No. F. 1(75)/63-H.I.]

S.O. 1516.—Whereas the Government of the State of Maharashtra has, in pursuance of the powers conferred by clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri Madhav V. Rajwade, Secretary to the Government of Maharashtra, Industries and Labour Department, as a member of the Employees' State Insurance Corporation representing that Government;

Now, therefore, in pursuance of the provisions of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 1879, dated the 11th June, 1962, namely:—

In the said notification, under the heading "Members", under the sub-heading "(Nominated by the State Governments under clause (d) of section 4)" in item 15, for the entries "Shri S. E. Sukthankar" the entries "Shri Madhav V. Rajwade" shall be substituted.

[No. F. 1(76)/63-H.I.]

S.O. 1517.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the factories situate in the areas in the State of Mysore mentioned in the Schedule appended to this notification, from the payment of the employer's special contribution leviable under Chapter V-A of the said Act till the enforcement of the provisions of Chapter V of that Act in that area.

SCHEDULE.

Sl. No.	Name of District	Name of the area	Name of the factory
1	2	3	4
1.	Belgaum	Balhoagal	Power House, Mysore State Electricity Board.
		Chataprabha	Power House, Mysore State Electricity Board.
2.	North Kanara	Sri	M/s. Kanara Electricity Supply Co. Ltd.
3.	South Kanara	Besnur	M/s. B.S.N. Tile works.

[No. F. 6(50)/61-H.I.]

New Delhi, the 25th May 1963

S.O. 1518.—Whereas the Central Government is satisfied that the Kalimpong Arts and Crafts Industrial Co-operative Society Limited, Kalimpong, is situated

in an area where the provisions of Chapter V of the Employees' State Insurance Act have not been enforced and is both non-commercial and non-competitive in nature;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the Kalimpong Arts and Crafts Industrial Co-operative Society Limited, Kalimpong, from the payment of employers' special contribution payable under Chapter V-A of the Act, until the enforcement of provisions of Chapter V of the Act in the area in which the said establishment is situated.

[No. F. 6(73)/63-HL.]

New Delhi, the 27th May 1963

S.O. 1519.—In pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby nominates Shri K. N. Channa, Joint Secretary to the Government of India in the Ministry of Finance, to be a member of the Employees' State Insurance Corporation, in place of Shri M. G. Kaul, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 1879, dated the 11th June, 1962, namely:—

In the said notification, under the heading "Members", under the sub-heading "[Nominated by the Central Government under clause (c) of section 4]", in item 6, for the entries "Shri M. G. Kaul", the entries "Shri K. N. Channa" shall be substituted.

[No. F. 1(77)/63-HL.]

S.O. 1520.—In pursuance of section 8 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby nominates Shri K. N. Channa, Joint Secretary to the Government of India in the Ministry of Finance, to be a member of the Standing Committee of the Employees' State Insurance Corporation, in place of Shri M. G. Kaul, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 2286, dated the 23rd July, 1962, namely:—

In the said notification, under the heading "Members", under the sub-heading "[Nominated by the Central Government under clause (b) of section 8]" in item (3), for the entries "Shri M. G. Kaul", the entries "Shri K. N. Channa" shall be substituted.

[No. F. 1(77)/63-HL.]

O. P. TALWAR, Under Secy.

New Delhi, the 24th May 1963

S.O. 1521.—In pursuance of sub-section (3) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), read with paragraph 27 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby directs that employers in relation to establishments, any one of whose employees has been exempted under the said paragraph, shall be required to pay to the Employees' Provident Fund inspection charges at the rate of 0.75% of the total employers' and employee's contributions, within fifteen days of the close of every month and employers in relation to—

- (a) every establishment which is a factory engaged in the manufacture of,—
 - (i) cigarettes, or
 - (ii) electrical, mechanical or general engineering products, or
 - (iii) iron and steel, or
 - (iv) paper, other than hand-made paper, and in which fifty or more persons are employed,
- (b) every establishment which is a factory engaged in the manufacture of cement and in which fifty or more persons are employed, and
- (c) every establishment which may hereafter be specified by the Central Government, in pursuance of the provisions of the first proviso to sub-section (1) of section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), as the establishment to which the said proviso shall apply.

with effect from the 1st day of January 1963 in respect of the establishments referred to in clause (a), with effect from the 1st day of April, 1963, in respect of the establishments referred to in clause (b), and in respect of any establishments referred to in clause (c) with effect from the date from which the provisions of the first proviso to sub-section (1) of section 6 of the Employees' Provident Funds Act, 1952, become applicable to it, any one of whose employees has been exempted under paragraph 27, shall be required to pay inspection charges at the rate of 0.6% of the total employers' and employee's contributions, within fifteen days of the close of every month.

[No PF.II.5(8)/59.]

P. D. GAIHA, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

New Delhi, the 27th May 1963

S.O. 1522.—The following draft of the rules further to amend the Ghee Grading and Marking Rules, 1938, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is published as required by the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration after 30th June, 1963.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Amendment

In the said rules, in rule 5, for sub-rule (1), the following sub-rule shall be substituted, namely:—

"5. Marking provisions—

(1) The grade designation mark shall be securely affixed to each sealed container of ghee:

Provided that in the case of large scale modern dairies using automatic filling and packing machines, if the Agricultural Marketing Adviser to the Government of India is satisfied regarding the quality of ghee produced and the *bona fides* of the party, he may, by order, accord permission to print, the number of Certificate of Authorisation, issued to the party under the General Grading and Marking Rules, 1937, the word "Agmark", and the grade of the ghee, on the container of every package of ghee produced by the party, prominently and in such other manner as may be directed by him and in cases where the container has been duly printed as aforesaid, it shall be sufficient compliance with the rule."

[No. F, 14-4/63-AM.]

V. S. NIGAM, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 22nd May 1963

SUBJECT.—*In the Matter of The Charitable Endowment Act, 1890, and in the matter of Association of Pasteur Institute of India.*

S.O. 1523.—On the application and with the concurrence of the Association of the Pasteur Institute of India, the Central Government, in exercise of the powers conferred by sub-section (1) of section 5 of the Charitable Endowments Act, 1890 (6 of 1890), doth hereby settle a Scheme set out hereunder for the administration of the said Institute and under sub-section (3) of the said section of the said Act, it is hereby ordered that the said Scheme shall come into operation from the date of publication of this notification.

MINISTRY OF HEALTH

Scheme

Scheme for the administration of the property of Pasteur Institute of India vested in the Treasurer of Charitable Endowment *vide* Ministry of Health Notification No. F. 14-26/16-Instt., dated 31st August, 1962.

The assets of the Institute shall be utilised for the following purposes for which it had been originally set up:—

- (i) The treatment of persons suffering from injuries inflicted by rabid animals.
- (ii) The establishment of an institution (i) for the treatment of persons suffering from injuries inflicted by rabid animals and (ii) for the study, diagnosis, practice and teaching of Bacteriology in all the branches, especially with reference to the diseases of men, animal and plants.
- (iii) The investigation of tropical diseases and the practical application of bacteriological methods to the prevention and cure of diseases.

2. The two buildings *viz.* (i) Lady Linlithgow Sanatorium and (ii) Antirabic Research Centre shall continue to be occupied by the present occupants *viz.* the T.B. Association of India and the Central Research Institute, Kasauli, respectively on payment of the present rent, or as per existing agreement; municipal taxes, etc. shall be paid by the respective occupants.

3. The interest on securities and cash shall be utilised for grants to Institutions engaged in Anti-rabic Research.

4. The Deputy Director General of Health Services (Administration), New Delhi, shall be the *ex-officio* administrator of the property, subject to the provisions of the Charitable Endowments Act, 1890 (6 of 1890), the Administrator shall have the possession, management and control of the property and the application of the income thereof as if the property had been vested in him.

5. The Scheme may be modified or substituted by a fresh Scheme by the Central Government in consultation with the Director General of Health Services, New Delhi, provided, however, that the modified, substituted or the fresh scheme shall, as far as possible, be carried out to serve the purpose for which the Pasteur Institute of India was registered.

6. The Scheme shall come into operation with effect from the date of publication of this Notification, and shall remain in force so long as the property continues to be vested in the Treasurer of Charitable Endowments.

7. The Scheme shall supersede the decree or direction of any court and the validity of the Scheme shall not be questioned in a court of law.

[No. F. 14-26/61-Instt.]

A. P. MATHUR, Under Secy.

New Delhi, the 27th May 1963

S.O. 1524.—Whereas in pursuance of the provisions of clause (c) of sub-section (1) of section 3 of the Indian Nursing Council Act, 1947 (48 of 1947), the Council of States has, at its sitting held on the 7th May, 1963, re-elected Shrimati Jahanara Jaipal Singh to be a member of the Indian Nursing Council;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the Indian Nursing Council Act, 1947, the Central Government hereby directs that Shrimati Jahanara Jaipal Singh shall continue to be a member of the Indian Nursing Council constituted by the notification of the Government of India in the Ministry of Health, No. F. 27-57/57-MII(B), dated the 1st December, 1958, with effect from the date of her re-election.

[No. F. 27-25/63-MII.]

S.O. 1525.—In pursuance of the provisions of section 3 of the Dentists Act, 1948 (16 of 1948), and in supersession of the notification of the Government of India in the Ministry of Health, No. F. 3-2/60-MII, dated the 18th November, 1960, the Central Government hereby directs that Dr. John Parackal L.D.S., R.C.S., L.M.S., Dental Specialist, District Hospital, Ernakulam, who has been nominated under clause (e) of the said section by the Government of Kerala in place of Dr. Om P. Gupta shall be a member of the Dental Council of India, constituted under section 3 of the aforesaid Act.

[No. F. 3-55/62-MII.]

R. MURTHI, Under Secy.

New Delhi, the 27th May 1963

S.O. 1526.—The members of the House of the People having elected from among themselves in pursuance of the provisions of clause (g) of section 4 of the All-India Institute of Medical Sciences Act, 1956 (25 of 1956), Dr. P. D. Gaitonde, as a member of the All-India Institute of Medical Sciences, New Delhi, *vice* Shri U. N. Dhebar, resigned, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Health No. F. 5(IV)-22/61-H.II, dated the 26th May, 1962, namely:—

In the said notification for the entries against serial No. 13, the following entries shall be substituted, namely,

“Dr. P. D. Gaitonde, M.P., 11, Willingdon Crescent, New Delhi-11”.

[No. F. 5(IV)-17/63-H.II.]

Mrs. P. JOHARI, Dy. Secy.

MINISTRY OF SCIENTIFIC RESEARCH & CULTURAL AFFAIRS

ARCHAEOLOGY

New Delhi, the 23rd May 1963

S.O. 1527.—Whereas the Central Government is of opinion that the archaeological site and remains specified in the Schedule attached hereto is of national importance,

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said archaeological site and remains to be of national importance.

Any objection made within two months of the issue of this notification by any person interested in the said archaeological site and remains will be considered by the Central Government.

SEC. 3(i)]

THE GAZETTE OF INDIA: JUNE 1, 1963, PART II, 1880

1715



S.O. 1528.—Whereas the Central Government is of opinion that the ancient monument specified in the Schedule attached hereto is of national importance.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient monument to be of national importance.

Any objection made within two months of the issue of this notification by any person interested in the said ancient monument will be considered by the Central Government.

SCHEDULE

Sl. No.	State	District	Tehsil	Locality	Name of monument	Revenue plot number to be included under protection	Area	Boundaries	Ownership
1	2	3	4	5	6	7	8	9	10
1	Maharashtra	Ahmad-nagar.	Nevasa	Nevasa	Ancient site locally known as Ladmod comprising the whole of survey plot No. 493 and Gaothan land.	Whole of survey plot No. 493 and Gaothan land.	16 Acres & 20 Gunthas.	North :—River Pravara. East :—Survey Plots Nos. 481 and 483. South :—Survey plot No. 484. West :—Nala and survey plots Nos. 497 and 520.	Survey plot No. 493 : Private. Remaining: Government.

[No. F. 4-11/63-C.I.]

New Delhi, the 25th May 1963

S.O. 1529.—Whereas the Central Government is of opinion that the ancient monuments specified in the Schedule attached hereto are of national importance.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient monuments to be of national importance.

Any objection made within two months after the issue of this notification by any person interested in the said ancient monument will be considered by the Central Government.

SCHE

Sl. No.	State	District	Tahsil	Locality	Name of monument
1	2	3	4	5	6
1	Jammu and Kashmir	Baramulla	Baramulla	Pattan village	Sankara temple and Gaurisvara excavated structures together with adjacent land comprised in survey plot No. 4353
2	Jammu and Kashmir	Baramulla	Baramulla	Taparwari-Pora village	Pratap Swami, Temple with four subsidiary shrines together with adjacent land comprised in survey plot No. 1326.
3	Jammu and Kashmir	Srinagar	Srinagar	Zaina Kadal	Tomb of Zainul Abidin's mother together with adjacent land comprised in survey plot Nos. 7, 8, 9 and 10.

DULE

Revenue plot number to be included under protection	Area	Boundaries	Ownership
7	8	9	10
Whole of Survey Plot No. 4353.	19 Kanals and 11 Marlas.	<i>North</i> :—Survey Plot No. 4352. <i>East</i> :—Survey plot No. 4332. <i>South</i> :—Survey plot Nos. 4354, 4355, 4358, 4359, and 4360. <i>West</i> :—Survey plot No. 4258 (road).	Government.
Whole of Survey Plot No. 1326.	22 Kanals and 7 Marlas.	<i>North</i> :—Survey Plot No. 1325. <i>East</i> :—Survey plot No. 1467. <i>South</i> :—Survey plot Nos. 1465, 1464, 1462, 1461, 1460, 1459, 1458 and 1327. <i>West</i> :—Survey plot No. 11804.	Government.
Whole of Survey Plot Nos. 7, 8, 9 and 10.	9 Kanals and 7 Marlas	<i>North</i> :—Survey Plot No. 716, 717 and 723. <i>East</i> :—Survey Plot No. 11. <i>South</i> :—Survey plot No. 6 and 4. <i>West</i> :—Survey Plot No. 1/1.	Government.

[No. F. 4-13/63-CI.]

S. J. NARSIAN,
Asstt. Ednl. Adviser.

ELECTION COMMISSION, INDIA*New Delhi, the 18th May 1963*

S.O. 1530.—In pursuance of sub-section (6) of section 116A of the Representation of the People Act, 1951, the Election Commission hereby publishes the decision of the High Court of Madhya Pradesh, Jabalpur, given on the 23rd April, 1963 on an appeal from the order dated the 5th January, 1963 of the Election Tribunal, Rajnandgaon.

HIGH COURT OF MADHYA PRADESH, JABALPUR
FIRST APPEAL No. 23 of 1963.

Appellant

Shri Khubchand Baghel son of Jaudawan Singh, resident of Tatyapara, Raipur, tahsil district Raipur.

V.**Respondent**

1. Shri Vidyacharan Shukla son of Pandit Ravi Shanker Shukla, resident of Budhapara, Raipur, district Raipur.
2. Shri Indradeo Tandon son of Sirasingh, resident of village Jhara, P.O. Khalar tahsil Mahasamund, district Raipur.
3. Shri Dharmjit Singh son of Tribhuwan Singh, resident of Sarangarh district Raigarh, M.P.
4. Shri Ramsingh son of Ganeshram, resident of Lalpur, P.O. Bagbahara, Tahsil Mahasamund, district Raipur.

Appeal by Petitioner from the order of the court of the Member Election Tribunal, Rajnandgaon.

Presided in by Shri G. P. Tiwari

dated the 5th January, 1963 in Election

Petition No. 258 of 1962

Original claim for Setting aside election of the defendant
 No. 1 (Vidya Charan Shukla)

Decreed for

Petition dismissed.

Claim in appeal for reversal of lower Court's order.

Memo. of appeal presented by Shri L. S. Baghel

Counsel for appellant, on 11th February, 1963.

The appeal coming on for final hearing on 15th April, 1963, 16th April, 1963 and 17th April, 1963.

before the Honourable Shri Justice H. R. Krishnan, I.C.S. and the Honourable Shri Justice S. P. Bhargava.

In the presence of Shri G. P. Singh, L. S. Baghel, M. L. Chansoria counsel for the appellant, and of Shri A. S. Bohde and B. A. Masodkar counsel for the respondent No. 1 and none for respondent 2 to 4. The following judgment was delivered by the court:—

FIRST APPEAL No. 23 OF 1963.

Khubchand Baghel

V.

Vidyacharan Shukla & others.

JUDGMENT

Krishnan J.—

This is an appeal under section 116A of the Representation of the People Act, 1951 by the unsuccessful election petitioner (defeated candidate) for the Lok-Sabha from the Parliamentary constituency of Mahasamund in the general election of 1962. The ground alleged was primarily of corrupt practices by the successful candidate—respondent No. 1—, practices coming under section 123(4) of the Act, by the publication and circulation by that candidate himself, and with his consent, by his agents and other, of the pamphlet (annexure 1) at different places in the constituency during the second and the third weeks of February on approximately the dates mentioned in the petition and in the evidence. The Tribunal found that the contents of the petition did not amount to statements of fact in relation to the personal character or conduct of the petitioner calculated to prejudice his prospects in the election; it dismissed the petition, though it held at the same time

that the publication had been done by the successful candidate himself and also by his agents and others. Hence this appeal, which has been contested by the respondent No. 1. The other respondent, that is, defeated candidates other than the petitioner—appellant have not appeared or otherwise taken by interest.

2. The points for decision are the following :

Firstly, the preliminary point of limitation involving the straight question whether an appellant under Section 116A is entitled while computing the limitation to deduct the time taken in the obtaining of copies in the manner provided in Section 12 of the Limitation Act.

Secondly, whether the pamphlet (annexure 1) 25,000 copies of which were admittedly printed by one Tikamchand Jain and a large number of which were admittedly distributed in different parts of the constituency was, (a) published at certain places by respondent No. 1 himself, and (b) elsewhere by his agents and others with his consent.

Thirdly, whether the statement in the last paragraph of the pamphlet—

"In the Praja Samajwadi conference held at Baitul Shri Khubchand Baghel was the President of the Reception Committee. For the sum of 16,000.00 that had been collected for the said conference, Khubchand Baghel has not rendered accounts even though the committee has repeatedly asked for that. Where has the money gone?"

amounts to a corrupt practice as set out in Section 123(4).

Fourthly, whether the statement in the penultimate paragraph of the same pamphlet—

"Out of selfishness this very Shri Khubchand Baghel made false and filthy allegations about the most honourable and respected leader Shri Ravi Shanker Shukla (father of the successful candidate) which allegations were printed from time to time in the communist paper of Bombay called Blitz. There was a suit for damages for defamation in course of which opportunity was afforded to Shri Baghel to prove their truth but he turned back with the result recently the said Blitz had on the 26th January 1962 to publish an unconditional apology for publishing these false and fraudulent allegations by this leader. But then Shri Baghel is hardened in this habit (adat se lacher hain) and also knows that his very political existence depends on these baseless things."

is also a corrupt practice as set out in Section 123(4). In connection with the last two issues, the parties have argued about the burden of proof in this class of cases the manner in which it has to be discharged, the purport of the definition of corrupt practice in Section 123(4) and the line, if it is possible to draw one, between statements relating to personal conduct and character, and political conduct. There were quite a number of formal issues before the Tribunal which were lumped by it under headings III (a) to (c), IV (a) and (b); but the Tribunal's decision that they were of no consequence has not been here challenged by either party.

3. Even more than in the usual run of election disputes the present one has been argued at great length and with very considerable ability on the basis of a quantity of evidence. The facts in brief are the following. The Mahasamund parliamentary constituency covered parts of the Raipur (and probably some of the contiguous districts) and was a block made up of eight assembly constituencies, Mahasamund being the most important town there. There were in that election for this constituency five candidates out of whom Shri Vidyacharan Shukla—Respondent No. 1 secured 56664 votes, the petitioner 53872 and three other unsuccessful candidates between themselves 48500 in round figures. Accordingly, respondent No. 1 was declared elected. The petitioner came up with this petition alleging *inter alia* that the corrupt practices already indicated had been committed by the successful candidate and inviting the Tribunal to declare his election to be void. Evidence was adduced by both sides, mostly of an oral nature, the few documents filed being at the same time admitted by the parties without controversy. Practically the whole case centered round the respondent's consent and personal part in the publication at different places in the constituency of the annexure 1 on which the tribunal actually found for the petitioner. It further

held that the contents, especially the two passages set out above did not amount to the commission of corrupt practices for reasons which will be indicated in time. In this Court, on the one hand the appellant has tried to show that the pamphlet and in particular the two passages do amount to statements of the nature the publication of which become a corrupt practice under Section 123(4), and on the other, the respondent No. 1 has tried to support the Tribunal's order by challenging the finding of his consent and personal responsibility for the publication.

4. *Point No. 1.*—In addition he also urged that the appeal is time barred. The position taken is that it was wrong to have admitted the appeal on the assumption that the appellant was entitled to exclude for the purposes of limitation the "time requisite for obtaining a copy of the order appealed from". This because Section 12 of the Limitation Act is really inapplicable to an appeal under Section 116A of the Representation of the People Act, both in its own terms, and by the operation of Section 29 of that Act. The argument is the most unusual one; but as it has been made with considerable seriousness and ingenuity it has to be examined at some length. Section 116A was enacted by the Amendment Act of 1950, the operative provision being:

"An appeal shall lie from every order made by the tribunal under Sections 98 or 99..... The High Court shall.....have the same powers, jurisdiction and authority and follow the same procedure..... as if the appeal were an appeal from an original decree passed by a civil court".

The first point to note is that the appeal is from the order of the Tribunal. Actually, the words 'order' and 'decision' (and even 'judgment' except in one context) are used more or less synonymously to signify the final word of a Tribunal or Court usually accompanied by its reasons. In a particular class of cases, that is, suits, the word 'judgment' is used in a special sense when it is distinguished from a decree. Section 98 and 99 speak of the Tribunal's decision as an order. For example, 98 runs:

"Decision of the tribunal—At the conclusion of the trial.....the tribunal shall make an order....."

Section 99—

"Other orders to be made by the tribunal—At the time of making in order under Section 98, the tribunal shall also make an order.....".

There is, therefore, no doubt that this appeal is from an order if we choose to use the word as a term of art. But it shall also be treated in the same manner in which the High Court will treat what was called a first appeal; in other words, *inter alia* insist upon the copy of the order being filed with the memorandum. This automatically attracts Section 12(2) of the Limitation Act which speaks of "an appeal from a decree, sentence or order", and the time requisite for obtaining a copy of the same." There is a sub-section (3) to Section 12 on which the respondent has tried to pin his argument, though it is difficult to see how it helps him to show that Section 12 is inapplicable to this class of appeals. Sub-section (2) is clear and unambiguous and sub-section (3) would only come in when we are dealing with a judgment in addition to a decree. Obviously, when disposing of a civil suit, the Court would deliver a judgment and pass a decree. Under Section 12(3) the time requisite for obtaining a copy of the decree appealed from would be excluded while under sub-section (3) that requisite for obtaining a copy of the judgment concerned would also be excluded. In other cases judgment would be a general term and so far as they are concerned, sub-section (3) might become superfluous. The line taken seems to be that the appeal under Section 116A of the Representation of the People Act is not one from a decree, sentence or order and as such the section does not apply. What however stares one in the face is that the word "order" has been used throughout in all the sections concerned even though the heading of Section 98 is 'decision'.

5. The respondent thereupon switches over to Section 29 of the Limitation Act and urges that we are dealing with an appeal under a special statute which is perfectly true, and that the operation of Sections 4, 8 to 18 of the Limitation Act has been expressly excluded which is altogether wrong, there being no exclusion whatsoever either in Section 116A, or in any other Section of the Representation of the People Act of 1951. The rulings cited by the respondent indicate that he is really thinking of cases where the principles of limitation applicable are contained in the special enactments themselves, and Courts have not got to go outside them. For example, in *Fatela v. Mt. Sita* (A.I.R. 1926 Nagpur 126), it was held that Section 14 of the Limitation Act had no application to a proceeding

under Section 77 of the Registration Act. This is perfectly true because the latter statute contains all principles of limitation applicable. Similarly, in the case reported in re: *Gulabchand and others* (A.I.R. 1931 All. 673) they were dealing with a proceeding under Section 66 (3) of the Income tax Act. The next section 67 (A) contains the rule of limitation and does not refer to the exclusion of the time requisite for obtaining copy. A similar position arose in the case reported in *Janardan v. Hiratal* (1957 M.P.L.J. 170). In all these cases the special statute itself contains the principle of limitation that are applicable; so that when they do not refer to the exclusion of the time requisite for obtaining copy, it can be contended successfully that Section 12 should not be brought in. In the instant case, there is no self-contained code of limitation in the Representation of the People Act of 1951. On the contrary, the very scheme and wording of Section 116A equates the election appeal to an appeal from an original decree passed by a civil Court. For these reasons, it is obvious that the appellant is entitled to get the exclusion of the time taken in obtaining the copy after which admitted the appeal falls in time.

6. *Point No. 2.*—Coming to the merits of the appeal, the respondent has tried to support the decision of the Tribunal on an additional ground. The Tribunal has found that the successful candidate had himself published (by distribution) the leaflet (Adn. 1), and has held further that he had consented to its publication by his agents and others. The respondent, however has by the examination of the entire evidence, tried to show that there was no consent altogether and if anybody did at all publish the pamphlet at the relevant time in the constituency, they were either not the agents of the respondent No. 1, or even if they could be called agents, there was no consent; in fact, respondent No. 1 has asserted on oath that he did not know of the existence of such a pamphlet till he got a copy along with the notice of the petition.

7. The undoubted fact is that 25000 copies of this leaflet were printed in the first week of February 1962, that is, about three weeks before the polling which was on different dates at different polling stations, by Tikamchand Jain who supplied the draft, paid the charges, gave the paper and took delivery. He has been called as it was necessary, by the petitioner (P.W. 5); but obviously he is a member of the other political cam and has admittedly been working for the respondent. In fact, he happens to be the secretary of the Mahasamund Mandal committee of the Congress, the party of the successful candidate. In addition, he is one of the signatories to a general appeal to the members of that constituency to vote for the Congress candidate both for the parliament, that is, respondent No. 1 and for the local Assembly. He is very much in the interest of the respondent No. 1 and other things being the same, is likely to have acted with his consent. At the same time it is the critically conceivable that a supporter has acted with excessive zeal without the knowledge or authority or consent of one whom he supports and acts. Tikamchand asserts that he did all this without the respondent No. 1's knowledge and consent and further that having printed and paid for (presumably out of his own pocket) for 25000, he distributed in the constituency only 2000. This is difficult to believe as election literature like ammunition is manufactured to be shot at the proper place and at the proper moment. Actually, however, it makes little differences whether only 2000 leaflets were distributed in the constituency or all or most of the 25000, because either way copies of the leaflets found their way into the hands of the prospective votes to be studied by them and affect their choice as between Dr. Khubchand Baghel and Shri Vidyacharan Shukla. The question, therefore, resolves in this regard to whether the publication of this leaflet was done by Tikamchand Jain and several others as the self-appointed and overzealous supporters of Shukla without his consent or whether it was all part of a system to which Vidyacharan Shukla was a consenting party. Actually, the evidence led goes one step farther that Shukla not only consented to the publishing of this leaflet by others, including his nephew and other supporters, but did actually at several villages himself hand it out personally. Vidyacharan for his part disclaims it completely and runs in fact so far away from the very names of those mentioned in this connection, that an impartial reader of his evidence straight to the conclusion that he has been in this affair from the very beginning and is making ridiculous attempts to deny everything. For example:

"I do not know if Tikamchand is in the Congress organization or whether he holds any office in the organization I do not know who is the Secretary of the Mahasamund Congress Committee. I do not know if Tikamchand is the Secretary I had attended the Mahasamund Congress Committee once for a meeting during the election time."

This is indeed breath-taking falsehood; because Mahasamund is the centre of the 8-Unit Parliamentary constituency, for which he was the Congress official candidate, and Tikamchand is admittedly the secretary of the Mandal Congress, and further is one of the signatories to the printed appeal to the voters to support the Congress candidates, naming him as the official one for Parliament.

8. A person no other than Manilal Sahu (P.W. 6) a supporter of the respondent, and one of the signatories to the printed appeal (A.R.I.) has sworn that a quantity of these leaflets were brought to the Congress Electioneering office at Mahasamund by O. P. Sube and relation of the respondent; further,

"A pamphlet purporting to be in the name of Trikamchand was distributed in Mahasamund. It was against Dr. Baghel, Annexure 1 is the same pamphlet. As I was in the Congress office I did not see anybody distributing it. One Dubeji said to be a relation of Vidyacharan Shukla was keeping copies of this pamphlet with him in the Congress office. Five or six days before the date of poll Shri Shukla told me in the Congress Office whether I would deliver a speech. I said I could not. Shukla then asked me that the pamphlet should be announced on the loud speaker. I said I could not do it. Thereafter one Motilal of Mahasamund was asked by Shri Vidyacharan to announce the pamphlet on the loud speaker. I have seen the pamphlet in the hands of some persons."

This, it is noted, is not from a witness belonging to the political camp of Baghel or from somebody ill-disposed towards Shukla. It is from one of his own supporters and signatories to his appeal who has shown, as far as the present affair goes, the sense of decency of refusing to read out on the loud speaker a scurrilous pamphlet. But we are at this moment at the question whether Vidyacharan had consented to the publication and had himself published this piece of literature. Appropos of "Dubeji relation of Vidyacharan" the latter makes the most astounding assertion that his relation O.P. Dube who had come all the way from Kannauj, which is a very considerable distance, "for my work", arrived too late,

"O.P. Dube of Kannauj is my relative. He did not do any election work for me. He had gone to Mahasamund after the date of the poll for my work. It was not on my instruction but probably of the instruction of my secretary. I do not remember whether he had gone for my election work to Mahasamund. I did not ask him to do so".

This is hopelessly self contradictory and vague, especially where the witness is not able to say on what work O. P. Dube had at all been sent for. But it is worse that Dube himself has not been called to explain these circumstances and to deny the statement of Manilal Sahu that he brought these leaflets. Thus, the evidence of Manilal one of the respondent's own partymen is further strengthened by the respondent's own statements and methods of leading evidence. In fact Manilal's evidence alone in this regard can justify us in holding that this pamphlet by Tikamchand Jain was published in the constituency by the respondent and also by his agents and others with his full consent.

9. There is more evidence. The driver of the jeep in which Shukla was moving about for the election in the constituency—Lachhmanprasad (P.W. 19) states that he saw his master actually handing over these leaflets to others. Certainly, a jeep driver is a person in a humble station in life and if it can be shown that he has some ulterior purpose Courts should hesitate to accept his evidence. Actually the manner in which the respondent has set about attacking his evidence only convinces us that Lachhmanprasad driver is speaking the truth and his erstwhile master has nothing to meet it. In effect the respondent asserts that the Lachhmanprasad coming in the Court is not the Lachhmanprasad that was listed. Neither Lachhmanprasad was the driver, and there was somebody also driving jeep MPE 113, and further that it was not in Vidyacharan Shukla's possession and control at the time of the election, having been sold and handed over to Kishan Agrawal on the 26th January, 1962. A perusal of Vidyacharan's statement and the suggestions to Lachhmanprasad would show that he has involved himself in gross absurdities. That the jeep referred to had been in his control is admitted. Actually, it is the property of a private company in which he has more than half interest. The assertion that it has been sold to Kishan Agrawal in January is patently false because all the transfer papers including those relating to the registration were made in May, that is, well after the election. Kishan Agrawal himself asserts

that the Price which was Rs. 5000-00 had not even been fixed in January. Both parties are businessmen with books and the absence of their registers showing the payment and receipt of money is significant. At the top of everything, nobody would believe that a candidate for election would get rid of his vehicle just before it. In view of the evidence especially of a documentary nature, there is no doubt that the jeep was with Vidyacharan Shukla during the election and well after it till about May.

10. The next assertion is that a person other than Lachhmanprasad was the driver in the employment of the private limited company. If so, there was altogether no reason why he was not called before the tribunal or any register of the company showing the muster roll of the employees was placed so as to show that on the one hand there was no Lachhmanprasad driver and on the other the alternative person was actually driving the jeep. On the identity there is no doubt that the Lachhmanprasad who was listed by the petitioner as a witness is identical with the Lachhmanprasad who had come to give evidence. There is the name, the parentage, the residence and a popular nick-name, all of which are identical. The peon serving the summons has reported, truly or falsely we do not know, that in the mohalla he could not find a man of this description. As a matter of fact there is a man of the description in the mohalla as the name and parentage and residence of P.W. 19 have not been questioned. He says that his wife told him or gave him the summons which is of course very likely; but the point is, the witness who was listed has come to give evidence and Vidyacharan Shukla has ridiculously failed in his attempt to show that at the relevant time there was no jeep and no driver of this description. Lachhmanprasad who has no axe to grind either way in the political rivalries has come to assert that this pamphlet was being actually distributed by the respondent himself. In the circumstances he has to be believed.

11. In addition to these, a large number of witnesses from different villages in the constituency have come to assert that the pamphlet was distributed by the Congress workers named and on four or five occasions by Vidyacharan himself and his nephew Rameshchandra. Some often workers have come to deny it. The grievance made by the respondent in this Court is that while the tribunal has refused to believe his witnesses because they were working for him in the election, it has all the same believed many witnesses who on their own admission had been working for the P.S.P. candidate, namely, Dr. Baghel. This argument would have had some force if these were the only facts, in which event partisanship on either side would mutually cancel leaving nothing to the Court to act upon. But things are not equally balanced here. I have already set out the evidence of Manilal who is of course a man of Vidyacharan and actually one of his promoters of his election. I have also pointed out the other circumstances which have nothing to do with the partisanship of the witnesses on either side. Since the statement of the other witnesses called by the petitioner is in agreement with this evidence it would be proper to believe it which is exactly what the Tribunal has done. Therefore, the Tribunal was quite correct in arriving at the decision that this leaflets had been published by the respondent himself and also by his agents with his full consent.

11-A. Both before the Tribunal and in this Court the parties have argued about the purport of the word 'agent' in Sections 100 (1) (b) and 123 (4). What the Tribunal says is correct in that regard; but it is unnecessary to elaborate on it because we have evidence that the respondent was himself handing out the leaflets. No doubt consent on many occasion has to be inferred. Especially where it is for doing something that might lead the consenter into inconvenience, that is, where it is conspiratorial in a general sense, direct evidence would not be possible. But here the position is so simple that we need not go into any further discussion. The respondent himself has been publishing it; the handing out by others of the copies of the same some leaflets out of a total stock of 25000 by his agents and others all over the place was part of a system. It cannot be argued in the face of the respondent's own doing the others were overzealous partisans or treacherous opponents acting without his consent and even knowledge. It is one system and the respondent's hand is obvious.

12. Point No. 3.—There is broad similarity between the problems posed by the two passages; I shall consider the more outrageous one first dealing apropos of it, with the common questions as well. The Tribunal has been persuaded to hold that the two passages referred to in the beginning are not false, or are at least not believed to be false or are not in relation to the personal character and conduct of the opposing candidate, in this case, Dr. Khubchand Baghel. I shall examine the findings at the proper place; but it would be convenient to set out the factual background of the allegations.

13. In this connection, the earlier political activities of Baghel have been referred to. He started years ago as a kind of political disciple of the late Ravishanker Shukla father of Vidhyacharan. He was with him when he became Chief Minister of Madhya Pradesh in 1946 or 1947 and held office as "Parliamentary Secretary" in the Medical Department of which the Minister in charge was one Dr. Hasan of whom more later apropos of the second allegation. Owing to differences with the cabinet Dr. Hasan resigned carrying with him certain other members including Dr. Baghel. There was a no-confidence motion later on against Ravishanker Shukla which among others was supported by both Hasan and Baghel. Soon after Baghel joined what was in these days called the K.M.P. Party and worked against the official Congress Party. This merged with the Socialist Party sometime in 1953 after which a party convention or conference was held in Betul in the Madhya Pradesh. As delegates were to come from outside, there was constituted a reception committee of which even according to the respondent the president was not the petitioner as alleged in the leaflet, but one Indradutta Shukla, who has conveniently asked his brother Brijvallabh Shukla to deputise for him in the matter of giving evidence before the tribunal (E.W. 7). Possibly some money was collected either as donation or as party membership fee, and spent in housing and entertaining the delegates of whom Brijvallabh says there were about four thousands, an unverifiable but not impossible figure, considering that they were coming from all over the country. Now the writer of the pamphlet asserts, firstly, that Dr. Khubchand Baghel was the "addhyaksha", that is, chairman of the reception committee which is of course false; nor is suggested in evidence that this was a mistake for another office. Secondly in that capacity he was answerable to the reception committee for a sum of Rs. 16,000.00 subscription on which there is not an iota of evidence. In principle, the president or the designated office-bearers of a committee would be answerable to that body for the money it places in his hands; but there is little acceptable evidence even of ordinary membership, and none absolutely of office or entrustment. The next piece of factual assertion is that the committee went on demanding accounts and Dr. Khubchand Baghel failed to do so; nobody says or suggests that there was any such demand. Then comes the final stab—"After all, where has the money gone?" (Akhir vah rakam gai kahan?), which is only another, (and a poisonous) way of saying that the whole or part of it has gone into the pockets of Khubchand Baghel.

14. It should be noted to begin with that it cannot at all be argued, as it is done on behalf of the respondent, that this is only a statement "that the party organizing the convention has failed to publish the accounts for the benefit of public". Quite on the contrary, the statement is that the committee went on asking for the accounts and Khubchand Baghel just refused or failed to render it, thereby leading to the inference that the money the whole or part of it—has been misappropriated by him. For another the Tribunal dismisses this allegation on the main ground that—

"In the context of evidence and circumstances this merely means and suggests that the statement account of Rs. 16,000.00 was not rendered by the petitioner and there was a doubt as to what happened to the money though in fact the whole sum must have been spent."

It is really difficult to make sense out of this because the pamphlet pointedly asserts that Baghel was the president of the committee, having taken Rs. 16,000.00 for the purpose of the conference, and having failed to render account in spite of demands by that body, has done something with the money. "Where has the money gone" in this context means "it has gone into Baghel's pocket. This is exactly how the witnesses who read the pamphlet state that they understood it. The real point is, even a child can say that the statement means nothing more and nothing less than that Baghel had misappropriated part or whole of the amount.

15. The petitioner has taken oath and stated that he attended the convention but was not a member of the reception committee; in other words he was a delegate. Of course, he was not the president as the respondent himself has adduced evidence that it was somebody else—Indradutta Shukla. In keeping with the respondent's *modus operandi* in these proceedings Indradutta Shukla has not been called; possibly, having been sounded or summoned he had had condescended to send his brother Brijvallabh Shukla who knows next to nothing about the financial side of the convention and deposes broadly that he was looking after the feeding of delegates—about 4000 in number. Since he says he was a member of a sub-committee we can assume that he means that he was on

the reception committee as well. But his ability to recollect who the other members were is very doubtful. He has no papers and was in active participation of the general affairs of that body; Further, with the president Indradutta himself in the respondents pocket, it is strange that he should not be examined but should send his brother to deputise for him. Thus, this witness's vague assertion that Dr. Khubchand Baghel was a member of the reception committee does not at all impress me. In fact, one altogether fails to understand how in the circumstances the Tribunal thought that this was "an important witness". Quite on the contrary, it should have drawn an inference for the failure of the respondent to call Indradutta personally.

16. The petitioner no doubt attended the conference as a delegate. Brijvallabh says he was a "prominent" member of the party and the petitioner calls himself "humble", which is all a matter of words without any significance. Another delegate Vinayak Sakharam Dandekar (P.W. 23) who came from Nagpur was *subsequently* elected to be the president of the meeting and has been called as a witness. He speaks generally that sometime later a booklet was issued containing among other things, a statement of accounts of the conference. The point to note is that neither Dandekar—a delegate from Nagpur 100 miles away, nor Khubchand Baghel—another delegate from about 300 or 400 miles distance, is expected to know or take interest in the monetary affairs of the hosts, namely, the reception committee; for a delegate to pay into matters connected with the collection of subscription and arrangement for hospitality and the charges for accommodation and food and the like made by the hosts is improper; it does not usually happen. Thus, the inability of Dandekar as well as Khubchand Baghel to give full details of the membership and the activities of the host committee after about 9 years is quite natural. It might even happen that a delegate from one corner of the State or country wrongly believed that another from another place is really a host that is, a member of the reception committee. On whether Khubchand Baghel was a member of the reception committee we have only the vague statement of Brijvallabh; the competent witness, his brother, admittedly the president, has of his will or at the instance of the respondent, kept back. Dandekar who was only a delegate might easily commit a mistake as to who was or was not a member of the reception committee, though a similar mistake is not possible on the part of the president or an important office-bearer of the host committee.

17. Even Brijvallabh does not say that Khubchand Baghel held any office generally speaking or one involving the handling of the money:

"I was in the food arrangement sub-committee.

I was not keeping any accounts, Dr. Baghel might have kept accounts as he was a prominent person."

Frankly, one is unable to understand what exactly is meant by saying that so and so was "a prominent person", which is a matter of opinion, and therefore he *might* have kept account. Prominent persons do not keep accounts of each and every committee; but one entrusted with money is expected to keep it for the satisfaction of the person entrusting it. There is not a particle of evidence to that effect. No doubt, Indradutta Shukla had a responsibility and by cleverly keeping behind and sending his brother to deputise for him he creates the impression that if accounts had been withheld, it was by him or somebody with his connivance. Thus, the vague and feeble statements made by Brijvallabh are really worse than useless as they might be a smokescreen for the doings of Indradutta Shukla himself.

18. The third point alleged is that the committee was asking Dr. Baghel to render accounts. Certainly, if the committee had entrusted money to Dr. Baghel it must have asked for accounts either as a body or more probably, through its mouth-piece, the president or the convener or some other such office-holder. Neither Brijvallabh nor anybody else has a word to say of the demand of accounts by anybody connected with the committee or anybody on the face of earth whosoever. Still it was alleged in the leaflet that Khubchand Baghel as president was responsible for accounts, and having failed to render it on repeated demands exposed himself to the criticism that he had misappropriated part or whole of it. Thus, a close examination of all the evidence shows that the respondent who had consented to the publication of this imputation does not have a particle of evidence on any of the ingredients.

19. Examining this matter, the Tribunal starts by inferring that considerable amounts must have been collected and spent, and thinks that Rs. 16,000-00 is a likely figure because 4,000 men are said to have been fed by Brijvallabh and his associates for four days. The arithmetic is not self-evident and at all events Brijvallabh does not say that. Certainly, whenever the host committee arranges for a conference it must have provided some money either out of party funds, or by a special subscription or donations. Of course, a subscription on the scale of Rs. 15-00 per member as suggested by Brijvallabh cannot account for it for the very simple reason that it would have required more than 1,000 members to collect this amount. Money certainly was brought in and spent by the hosts, but it is difficult to understand that because the hosts collected the money and spent it and because Visyak Sakharam Dandekar and Dr. Khubchand Baghel, delegates from distant places are unable to answer questions about what the host committee did, which was of course not their concern, one can come to this inference;

"The further statement that Dr. Khubchand Baghel did not render accounts of this sum to the reception committee in spite of demands also appears to be correct or at any rate a reasonable man would in the circumstances believe to be true and correct."

I have no hesitation in holding that this finding is altogether without any evidentiary basis and is definitely perverse. Thus, it is clear that without the least factual basis the writer of the leaflet has charged the petitioner—rival candidate in the Parliamentary constituency—of misappropriating the funds collected by him or put in his charge as an office-bearer of the host committee and of defying the committee itself by failing to render accounts.

20. Another argument now made is that these allegations might after all be ones about the political character or political conduct and not of a personal character. Therefore, even if there was no justification, still it is not a personal imputation by which the elector would begin to entertain a lower opinion of the moral qualities of the candidate and thereby withheld his vote and prefer the rival. It is difficult to agree. I shall presently examine the theories propounded by the respondent; but it is clear that to charge a person with misappropriating monies entrusted to him is a plain allegation of moral turpitude. If in one sentence the man is described as a political turncoat and a defalcator of entrusted money, it does not cease to be allegation against the personal character and conduct. The first part that he is a turncoat may be in regard to the political conduct; but the separate second allegation that he has put into his own pocket monies left with him on trust for a particular purpose is a straightforward allegation against personal character and one of moral turpitude of a serious nature. The witnesses have also stated that reading this pamphlet they understood the passage to mean just what I have set out. But it is too obvious to call for further discussion. It is also perfectly clear that to charge the opposing candidate with being a defalcator of public monies is to lower him in the eyes of the electors and as such reasonably calculated to prejudice the prospects of his election.

21. In the foregoing discussion I have dealt with the relevant questions as ones of pure fact to be answered with due regard to the normal purport of the words and the foreseeable reaction of the electors. All the same, a very considerable quantity of theory has been propounded and considerable citation made of election case decisions. Apropos of this as well as the next heading in this as in other cases, it is unnecessary and, without swelling the judgment to tiresome lengths, impossible to set out every one of the passages read out at the bar; but the more important ones are indicated with special reference to general principles. Broadly speaking, they are divisible into four themes—first, those cautioning the tribunals, original and appellate especially, from interfering lightly with the declared results of any election. Secondly, those dealing with the burden of proof for establishing that the successful candidate had committed corrupt practices. Thirdly, with special reference to the statement of facts under section 123 (4) the extent of the deviation in good faith from absolute truth and correctness permitted by the Courts. And finally, the distinction to be drawn between imputations about personal character and conduct on the one hand and those that are political on the other. It is not to be forgotten that all these are ultimately issues of fact only; still, certain general criteria have been laid down in appreciating the effect of the actual evidence.

22. It is altogether beyond question that no tribunal or appellate court should in the absence of very strong reasons interfere with the results of any election. This is a general principle in regard to all cases, but it is particularly so when we are dealing with an election where votes of thousands of electors are recorded and they have exercised their choice, which is presumed to be free and fair.

Consequently, there should be very strong reasons why a tribunal or a court which does not see or hear any of the electors and ascertain in the reasons of their choice should disturb the results. On public grounds also a system of elections has come to stay in ours as in every early democratic country. Like all human systems it does not and cannot be expected to function without some jolts here and there and the falling away at places from the ideals of democracy. Motives are mixed and candidates and electors like all human beings are far from perfect. The legislature therefore has empowered interference only in a very limited combination of specified circumstances which have to be established by the party that seeks the interference. This principle has been referred to in nearly every important decision among which those set out by the Tribunal are a fair sample. In *Maganlal V. Hari Vishnu Kamath*, 15 ELP. 205 (M.P.) it was pointed out that the success of the winning candidate should not be lightly interfered with, but on the other hand, if it is established that he is guilty of a corrupt practice, then it becomes the duty of the tribunal and the court to look into the nature of the success and in appropriate cases declare the election void. Another way of stating the same is broadly to equate an election case to a criminal or quasicriminal proceeding against the successful candidate with the obvious implication that clear and unequivocal proof is required before any interference could be justified. In *Jamuna Prasad Singh V. Shri Ramnivas*, 18 ELR 145 (M.P.) it was said that such cases were of a quasi-criminal nature and the successful candidate would be deemed to have been properly elected till the petitioner establishes his case by good evidence:

"An appellate court should be slow to interfere with a finding unless the appellant can demonstrate that the finding is erroneous. By merely pointing out that a possible contrary view of the evidence could be taken, the appellant does not discharge the burden which he, bears as an appellant."

There are similar dicta in *Sarla Devi Pathak V. Birendra Singh*, 20 ELR 275 (M.P.) as well as by all the other courts. At times the analogy with a criminal proceeding has been carried somewhat too far, but in principle that approach is a sound one.

23. This automatically puts on the petitioner, or the appellant as the case may be, what is usually called the burden of proof. Naturally, therefore we have quite a number of decisions where this aspect of the matter has been discussed at some length. Such discussions are very instructive and the general principles of course, unexceptionable. But quite often they get involved into some confusion which have to be carefully avoided. Again, cases do not usually turn on the burden of proof, for the very simple reason that the parties concerned almost always lead evidence on all crucial issues, and there is very rarely if ever, a situation where the balance is so even that the decision depends upon the burden. At any rate, the instant case is not one. Another source of confusion is the fact that the phrase "burden of proof" has been used in two senses which are apparently similar but include a definite difference. The burden mentioned in section 101 of the Evidence Act is what I would call the *general* burden of proof or "burden of proof properly so called", which never shifts. On the other hand, what is by analogy called the burden of proof in the following sections relates in practice to the *manner* of proving a particular fact, and by its very nature moves from side to side like the ball in a tennis court. A good deal again would depend in this regard upon whether the fact which is sought to be proved and is *logically* negative or positive. In a sense, the burden remains the same, but because of the difference in the method of proving the particular fact it appears that the burden has fallen on the other side. In view of loose and popular usage of words this distinction is quite often ignored. A third source of confusion is inherent in the shifting of the second type of the burden of proof, the burden improperly so called.

24. Bearing these in mind, one can reconcile the apparent conflict which has been pointed out between the rulings—*Bhimrao V. Ankush Rao*, 22 ELR 385 (Bombay) and on the other, the Supreme Court decision in *T. K. Gangi Reddy V. M. C. Anjaneya Reddy*, 22 ELRL 261. Certainly, if there is a conflict, the latter prevails. But as it happens, there is really none. In the Bombay case—

"Even though section 123(4) is so worded as to throw on the election petitioner the burden of showing that certain allegations made against him are false, this is only a general provision. Where the allegation concerns the character of a person, the ordinary presumption of law

that a person must be presumed to be innocent will apply and the burden would be upon the person who has made defamatory allegations against the character of another to prove that they are true.

If any part of a statement is demonstrably false, the dissemination of that statement would fall within the definition of corrupt practice in section 123(4). The mere fact that there was a substratum of truth or that the statement was partly true is not enough to take the case out of section 123(4)."

While the petitioner—appellant has relied upon this, the respondent has criticised it by saying that this puts the burden on the wrong party. Actually it does nothing of that sort. When the respondent, as in his case makes a statement that the petitioner has done this or that act of moral turpitude, the burden is no doubt on the petitioner to prove that he has *not* committed it, and the statement is not true and has been made with knowledge that it is false. But to prove something that is logically negative, the petitioner is only to begin by taking the oath and asserting that he has not done it. Thereupon it falls to the person making these allegations to confront him and show that he has done it, or that he has surrounded himself with circumstances that put him on explanation. In the latter event it becomes now the turn of the petitioner to give his explanation or rebut. Thus the "burden" so called as it were moves from side to side; all the time, the initial burden of establishing the case, that is, the burden under section 101 of the Evidence Act lies on the petitioner. It may be that there is a burden properly so called of proving a statement that is logically negative; but the manner of proving it is a mere denial. A person can prove that he has not killed somebody else and has not thrown the corpse into the river by merely asserting that he has not done so. Now it is for the person alleging to confront him with the facts of a positive nature whereupon the former has to explain or rebut. All this is clear; but at times loose usage creates an apparent confusion which can however be cleared by examining the matter properly. In Gangi Reddy's case (*supra*) this aspect of the matter has been neatly explained by the Supreme Court:

"Burden of proof has two distinct meanings, viz., (i) the burden of proof as a matter of law and pleading, and (ii) the burden of proof as a matter of evidence. Section 101 of the Evidence Act deals with the former and section 102 with the latter. The first remains constant and the second shifts.

In an election petition the burden of proving that certain statements alleged to have been published by the respondent were false and that the respondent believed them to be false or did not believe them to be true is in the first sense, on the petitioner, but if the petitioner examines himself and states that he has not committed the alleged acts and proves circumstances indicating a motive on the part of the respondent to make false allegations against him, the court is entitled to accept his evidence, and if it does so, the onus would shift to the respondent to prove the circumstances if any to dislodge the assertions made by the petitioner; and if the respondent has failed to put before the court any facts to establish either that the petitioner did in fact commit the alleged acts of violence in the past or to give any other circumstances which made him *bona fide* believe that he was so guilty the court is entitled to say that the burden of proving the necessary facts had been discharged by the petitioner."

There is really no conflict between the Bombay ruling and that of the Supreme Court; but the approach made here is naturally in terms of the latter decision. It is unnecessary to set out the other rulings in this connection.

25. It has been urged on behalf of the respondent that section 123(4) does not require that the statement made must be accurate to the latter. A certain amount of looseness is permitted, if the allegor is acting in good faith. It is for the petitioner to show not only that the allegation is factually incorrect, but also that the person making it has the intention of prejudicing the petitioner's interest in the election, and knows it to be false and does not believe it to be true. If by this is meant that the respondent need only show that in a wide view the statement is correct or that a man of reasonable intelligence and sense of fair-play would have believed it even though it is incorrect in this or that particular, there could be no dissent. Ultimately it is a question, on the one hand of good faith and due diligence and on the other of the extent of departure from absolute correctness. The extent of excusable variation would naturally depend upon the

circumstances of the case and no cast-iron rule can be laid down. In the instant case, for example, nobody would have required that the allegation should be hundred per cent correct. If the petitioner had been an office-bearer of the host committee and not necessarily the *addhyaksha*, nobody would take the respondent to task for that description. But he should be at least some office-bearer. In this case he is not and the evidence that he was a member of the committee is itself quite shadowy. Similarly, nobody would blame the respondent if the amount really involved or suggested is less than 16,000.00; but there should be an amount for which the petitioner was in some capacity answerable to the committee. Here again, the factual position is not so. If, for example, the respondent alleges that the reception committee demanded accounts "many times", but succeeds in proving that the president or one or the other of the members asked for it just once, still he could be excused. But if on every single element the variation is complete, then the benefit of a wide and charitable interpretation of the wording of the section cannot be claimed.

26. While at this, the respondent has cited some rulings, the most remarkable of which is the one reported in Pottekkat Krishnan V. Kunjuvaried Joseph, 14 ELR 313. In this case there were two gentlemen, one named S. K. Pottekkat and the other called Sukumaran Pottekkat, both practising journalism, though there was a difference in the degree of popularity. Probably the activities of the one were in good faith, but the other thought that he was playing a "treacherous trick" in the election and wanted to expose him. Accordingly he wrote a powerful article in a magazine the contents of which were not factually correct. All the same, in the special circumstances the maker of the allegations was excused, because the coincidence was such that it could be said that a man of reasonable intelligence and sense of fairness was likely to make this mistake honestly. Such cases are of course rare, but variations are always permitted provided there is something basically true and the variations are such as would be made by a person of normal intelligence and decency. But where the statements are "demonstrably false" as stated in the Bombay case (*supra*), even a substratum of truth cannot be an excuse. In this case there is altogether no trace of truth in the allegation; it is a mass of brazen falsehoods, and not an excusable departure.

27. Finally, it has been urged in all seriousness that after all this allegation that Dr. Khubchand Baghel put into his pocket the money belonging to the host committee is one not relating to the personal character but bearing on the political conduct. This argument need only to be mentioned to be rejected; but here again there has been a lengthy argument with citations here and there which, however, have no application. A distinction is always made between allegations bearing on the personal character, let us say, imputing moral turpitude and those relating to the political activity. The latter again, however, violently worded and however ill-mannered are not covered by Section 123(4), whereas the former however sugar-coated with reference to the politics and parties is hit by that section because it is moral mudslinging. Nor need the line be drawn on a theoretical basis so as to cover all possible cases. Such cast iron definitions are impossible and the quest for them is a sheer waste of time. In the vast majority of cases (and at all events in the instant one) there is no difficulty at all as the allegations lie far from the borderland, where conceivably an allegation about the personal character might shade into one about political conduct. The Tribunal has said that in view of what has been narrated elsewhere in the pamphlet the whole thing is an attack on the party, that is, the P.S. Party with the hut symbol "jhopdi chhap" and the reference to personal character is only incidental and subsidiary. This is an altogether wrong approach. No doubt, the first three paragraphs are of the nature of a tirade against the P.S. Party. It is criticised with reference to certain individuals with whom we are not concerned, and certain classes, *seth-sahukars* and zamindars and the like and the new category which the writer describes as the "brotherhood of turncoats" to be more precise, of "turncaps" (*topi-badal jamaat*). To have called Khubchand Baghel as "*topi-badal*" or turncoat may be indecent and bad-mannered; but nobody says that it is a statement of act that becomes corrupt practice under section 123(4). But what is stated is that besides being a turncoat he is a person who cooly pockets money entrusted to him, without rendering accounts, and who makes allegations and backs out when he gets an opportunity to prove them. (The merits of the latter will be examined but for our present discussion both allegations are on the same footing). They might have been done in course of political activities; but they are not allegations of a political character. To say that so and so is a turncoat and a libeller who will not prove his allegations when there is an opportunity is really to make a double attack, the first being a political one and the second

personal one. Similarly, to call one an opportunist and also a defalcator of conference money is a two-edged sword the first edge being political and the second personal.

28. Among the rulings cited, we have Kanhaiyalal V. Shyam Sunder Mushran, 15 ELR 284 (M.P.) where the allegations though false were considered not to amount to reflections on personal character or conduct; but then the allegations were that the Party P.S.P. to which the candidate belonged had threatened to shoot the Prime Minister and had come to an understanding with the Muslim League. They were no doubt false but they had nothing to do with the personal character of the candidate. One has only to read them side by side with the allegations we are concerned with to see the basic difference. The same problem has been addressed at some length in the Bombay ruling Sudhir Laxman Hendre v. S. A. Dange, 17 ELR 373:

“Adverse criticism however severe, however undignified or ill-mannered, however regrettable it might be in the interests of purity and decency of public life, in relation to the political views, position, reputation or action of a candidate, would not bring it within the mischief of the statute

It is only when the person beneath the politician is sought to be assailed and his honour, integrity and veracity is challenged and such a statement is false that it could be said that a false statement of fact about his personal character and conduct has been made; and once it is established that such a statement was made, the question whether there was malice or not is immaterial.”

This again came up for an elaborate discussion in the Supreme Court decision reported in Inder Lal v. Lal Singh AIR 1962 Supreme Court 1156, which for our purposes can be taken to be the last word. There the impossibility of a distinct line between the two types of allegations is accepted; but it is pointed out that in the vast majority of cases we can easily ascertain whether the allegation is of one kind or the other. Besides, merely asserting that something was done by the candidate as a political personality does not take it out of the category of the personal allegation. The content and the effect of the allegations have to be examined. On facts also this case was of interest, further, because several headings were found in pamphlet concerned under which the different types of allegations common in election squabbles could be brought. For example, to allege that the candidate was an enemy of democracy, however false or foolish would not be an allegation of personal conduct. On the contrary, to say that he has been buying his opponents with money would be an allegation of bribery. It is noteworthy that most of the allegations relating to political character would involve a considerable element of opinion, whereas those in regard to personal character may be almost entirely factual. Thus, if one bears in mind the principles laid down in the Supreme Court ruling as well as in a large number of other rulings of the different High Courts, there would be no difficulty in the vast majority of cases. Examples of personal allegations are found in Gangi Reddy's case (supra)—

“A statement which attributes act of violence (e.g., instigation of murder, throwing of stones at public meetings) to a candidate even though such acts are done during his political career is a statement relating to the personal character and conduct of the candidate, and if such statements are published a few days before the polling, such statements must be held to be reasonably calculated to prejudice the prospects of that candidate's election, and the candidate publishing such statement, would be guilty of a corrupt practice within the meaning of section 123(4) of the Representation of the People Act.”

On the other hand, an allegation that gangs of dacoits are canvassing for a particular candidate may not be an allegation against personal character and conduct because it has nothing to do with the conduct of the candidate but involves the motives of others. Reported cases contain several instances where the allegations were held to be political and not personal; but as the foregoing discussion indicates the distinction clearly, it is unnecessary to enlarge on this topic. To conclude, an allegation that the petitioner had committed defalcation of the money left with him without accounting for it is certainly one against his personal character and conduct, even though elsewhere in the same leaflet allegations of political nature are made.

Point No. 4.

29. This is really the paragraph earlier than the one already considered under heading No. 3 as the more serious allegation and as one in connection with which the case law could be more fully considered. The finding already given in regard to heading No. 3 is sufficient to establish that the corrupt practice set out in section 123(4) has been committed by the respondent No. 1. All the same, the present heading has to be examined independently. It contains the following elements. First, that Dr. Khubchand Baghel made filthy and false allegations against the honourable and respected leader, the late Ravishanker Shukla, father of Vidyacharan, and Chief Minister of Madhya Pradesh from the commencement of independence till his passing away in 1956. Secondly, these allegations appeared from time to time in the communist newspaper of Bombay named "Blitz". It has to be noted that the writer is not speaking of allegations made by Baghel at some time in the past or some matter of ancient history, but allegations which were printed from time to time in the "Blitz". (Jhute aur gande arop lagaye jo samay samay par Bambai ke communist akhbar me chhaye gaye). Thirdly, there was a suit for damages (the only one concerned was by Vidyacharan Shukla and three to his brothers against "Blitz", its Delhi correspondent, and Dr. Ram Manohar Lohiya) in course of which an opportunity offered itself to Baghel to substantiate these allegations. Fourthly, instead of availing of it and proving his statements like an honest and self-respecting man, Baghel backed out with the result that the newspaper "Blitz" which printed his allegations had to make an unconditional public apology for printing such "false and misleading or deceptive (dhokhebaj) charges". Finally, that Baghel is a hardened (adat se lachar) maker of false charges and owes his political status to such baseless things. The last element of course includes a bit of rhetoric, without any independent significance, but the earlier ones make out that this person is an irresponsible scandal-monger and is besides a moral coward who would not care to utilize an opportunity that affords itself to substantiate what he says, and as such is a man of low moral quality. Anybody who reads would think lowly of him as a person apart from his political activity. It should be remembered that the leaflet does not say merely that Baghel made allegations against Ravishanker, and those of the same kind were printed in the "Blitz". It speaks of Baghel's allegations which were printed in the "Blitz". Therefore, the gloss sought to be placed on the wording by the respondent cannot at all be accepted.

30. The Tribunal discusses the matter at some length; but finds that—

"The objectionable statements in the last but one paragraph have not been found to be false. That would appear to be true or substantially true. At any rate, any reasonable man including the first respondent would believe that these statements were true and they were not false."

As with the other charge (heading 3) this is no definite finding even; there are two or three alternative by showing any of which the respondent can escape liability. But then the tribunal should find clearly which of the alternatives it is inclined to accept. I, therefore, propose to examine the matter at some length, especially because in this regard there has been quite a lot of wandering evidence and diffuse argument. The background is that sometime after his exit from the Congress Baghel criticised the conduct of Ravishanker Shukla, this he did in writing an open questionnaire obviously published sometime in October or November, 1956, on the eve of the reorganization; a copy of it was shown to Baghel during his cross-examination when he admitted that he had issued a public letter to about the same effect, entitled "Will Pandit Ravishanker Shukla reply?" (Pages 181 to 185) of the paper book. It starts with a preamble, and sets out 27 specific allegations charging Ravishanker with acts of jobbery and of using his official position and power to enrich the members of his family. The purport is that everything from fishery rights to manganese mineral concessions, that came out of the Madhya Pradesh Government, was presented to one or other of Ravishanker Shukla's sons. The questionnaire has a very sad ring; but Dr. Baghel unlike the usual singer in the "corruption" chorus in our country, makes specific allegations that could be proved, disproved or explained; he obviously challenges a criminal prosecution or a suit for damages. Further, he writes it in the lifetime of Ravishanker and calls upon him personally to give an explanation. Strangely enough, the latter does not seem to have (as far as this record shows) either replied to the allegations, or complained or sued Baghel, or called upon him to withdraw the allegations under threat of legal action. He seems just to have put on a high pontifical air and done nothing, with the possible result which is only natural, that whoever read the

questionnaire came to believe that the allegations were true, and if Ravishankar Shukla's family did not make crores of rupees by corruption, it must at least have made lakhs.

31. It may not be understood to approve of the widespread habit among our politicians of making allegations of corruption. Wild generalisations are no doubt indicative of a serious moral failing and if anything, calculated to make things worse by covering everybody good and bad alike with a uniform layer of black mud. But here the allegations are specific with chapter, verse and date. Nor do I suggest that whenever somebody whispers a word of criticism, the Chief Minister or the person in power should forthwith rush to the law courts, but where the charges are enormous as this case, and the Chief Minister openly charged and confronted, fails to lift a finger, he has naturally to take the consequence of people coming to believe that after all there is something in them. Filthy these allegations certainly are, if by it is meant what in popular language will be called "a reeking scandal". But whether they are false or not, one cannot be sure, because Ravishankar in his lifetime (or as for that matter his sons and supporters after it) did not make the least attempt to disprove them. Certainly, they for their part are entitled to form the opinion that the allegations were false, and Ravishankar far from being corrupt money-maker he was described to be, was a saintly politician. Be that as it may, the respondent has succeeded in his attempt to mislead the Tribunal, that the charges in this leaflet (Annexure 1) had something to do with this open letter by Baghel. Actually it is not so. The leaflet does not speak of any allegations but the allegations which appeared in 'Blitz' from time to time. There is not a single article or news item of 'Blitz' brought before the Tribunal which either expressly or by implication originated from Baghel. In fact, before us it is urged on behalf of the respondent, not that Baghel's allegations were printed in the 'Blitz', but allegations of the same genus or of a similar nature were printed, and therefore the writer was referring to this open letter to Shukla. This is certainly doing great violence to the language because the leaflet says "filthy and false allegations which appeared in the 'Blitz'". As far as Baghel is concerned, he stopped making them after Ravishankar's death. I am not concerned with the ethics of this conduct; it might even be that Baghel did so because he thought that there was no use flogging a dead horse. But the fact of the matter is that there is no charge or allegation by Baghel that was printed in the Blitz nor as for that matter any by him at about the time the news item appeared in the 'Blitz' and was the subject matter of the suit referred to in the leaflet.

32. That came about in the following manner. Sometime after Ravishankar's death Dr. Ram Manohar Lohiya gave a lecture somewhere in Delhi alleging *inter alia* that Ravishankar had been a corrupt man and had by abuse of his powers amassed for his sons a quantity of property of various kinds totalling in value to one crore (or as stated in another place, 90 lakhs). The exact figure is not of much consequence but it is astronomical. The 'Blitz' printed a news item containing a gist of Lohiya's speech, and also material said to have been provided by "others", among whom was Dr. Hasan already referred to earlier, in this judgment. But there again there is not a syllable about Baghel either by name or by description. This was in July 1957 about 7 or 8 months after Ravishankar's death and some months later still than Baghel's open letter which was during his lifetime. In 1958 Vidyacharan and three more sons of Ravishankar filed a suit for damages against Karanjia—Editor of 'Blitz', Raghavan, Delhi correspondent—and Dr. Lohia. This suit seems to have dragged on as suits usually do in our courts, till about the beginning of 1962, the 'Blitz' thought proper that it should apologise, and accordingly published a becoming apology in its issue dated 26th January 1962. This being accepted, the Shuklas dropped the suit against defendants 1 and 2. In August 1962 the suit against Lohiya himself was dismissed on the finding that a dead person could not be defamed. We are here not concerned either with the ethical propriety of the allegations made by Lohiya, and printed in the 'Blitz', nor with the legal correctness of the civil court's decision. All that we are concerned with is that admittedly this is the suit described in the leaflet as "manhani ka mukadama".

33. It is seriously alleged that this "manhani ka mukadama" afforded an opportunity to Baghel to substantiate the charges which he had made and which the 'Blitz' had printed. It is absolutely false because for one thing, no allegations of Baghel were printed by 'Blitz' and, for another, Baghel had nothing to do with the suit. He was not a defendant and he was not even cited as witness by either party. It has been brought out that he was sitting in the Court room on some of the dates on which the suit came up. Considering that the suit itself was finally disposed of on 4th August 1962 five or six months after the elections

and four months after the filing of this petition based on this leaflet, it is perfectly understandable that Baghel was curious to know what the suit was about which it was stated had afforded him an opportunity to substantiate some allegations. Even otherwise, a suit in which enormous allegations against the Shuklas were possibly going to be investigated, was worth watching by somebody who had spoken of these things in Shukla's lifetime and had been silent after his death. Thus, his having been seen in the Court room on the dates of the suit has nothing to do with the present controversy. Certainly, some of these dates were after the publication of this leaflet. In argument it was alleged that this Baghel had signed some of the petitions and pleadings on the defendant's side. This is comic because there is one S. L. Baghel, advocate, who had been appearing for the defendants in that suit and has nothing at all to do with Dr. Khubchand Baghel. Thus, it is altogether false to say that Dr. Khubchand Baghel had an opportunity, if he did not have an opportunity to substantiate he cannot be blamed for not trying to avail of it. Nor can he be pictured by implication as a backboneless worm who makes charges which he does not care to prove even when it is possible for him to do so. The position in fact is far worse for the Shuklas and far better for Baghel because in Ravishankar's lifetime he issued the open letter and challenged him to demonstrate his honesty in a manner that exposed Baghel himself to punishment, if he failed.

34. Thus, it is clear that these allegations are false. It is also difficult to see how a person of normal intelligence and decency could commit any honest mistake in this regard. It is to be noted that Vidyacharan is no other than Ravishankar's son and himself implicated in some of the charges in the open letter. He was one of the plaintiffs in the suit and could certainly know that no material given by Baghel had been printed in the *Blitz*. In course of evidence there is some suggestion that something was gathered from Raghavan. But Raghavan is not a witness and there is nothing to be said about this. In this Court it is suggested that since Baghel had made allegations and since similar allegations appeared in the '*Blitz*' and Baghel was with Hasan in the political quarrels of 1947, and Hasan at least was one of the informants of the '*Blitz*', it was a justifiable inference that Baghel had supplied the material. This is really to make a jumble of the whole thing. Hasan and Baghel were together in the cabinet many years before Baghel's own open letter. This open letter was well before the '*Blitz*' article. The context had completely changed by the death of the person attacked. It cannot be called fair if Vidyacharan Shukla imputes things on the assumption that at whatever time and whatever place something is said about his father's doings it must have come from Dr. Baghel. This is not the standard of reasonableness.

35. It is also clear that this is an imputation of moral turpitude and not of political character. No doubt there had been political squabbles between the groups led by Ravishankar Shukla and those to which Dr. Baghel belonged. But to say that a fellow is without moral backbone and makes allegations which he would not dare to prove when an opportunity affords itself has nothing to do with politics. It is an imputation against the personal character. Such a fellow is naturally a mean coward without any moral sense and cannot deserve the electors' votes. In fact, the writer of the leaflet makes this imputation appear aggravated. Firstly, he insinuates that it is an act of personal ingratitude because—

"The great founder and leader of Madhya Pradesh, namely, the late Pt. Ravishankar Shukla brought and pushed up this Khubchand Baghel into the political field. But he for selfish purposes made false and filthy allegations against this very . . . etc. etc."

The second aggravation is that this gentleman has "got so much into the habit of making false and filthy charges that he owns his very political 'existence' to it". As a matter of fact, the record shows that the one occasion in which he confronted Ravishankar Shukla he behaved like a man, and after the death of the latter he stopped making them. Thus, applying the very principle which I have discussed under the earlier heading, this is a statement which is false and which no reasonable and fair-minded person would believe to be true and is about the personal character and conduct of Khubchand Baghel.

36. In the result, there are two such acts of corrupt practice each coming under Section 123 (4) and each by itself calculated to prejudice the success of Khubchand Baghel in the election in which he was candidate. Each of them by itself would justify the declaration as void the election of the successful candidate, namely, Vidyacharan Shukla, respondent No. 1 under Section 98(b). The Tribunal has failed to do so even though it has found on several of the facts; this is because

of its failure to appreciate, on the one hand, the difference between the political character and the personal character of the allegation and on the other, failure to give a definite finding as to whether the statements are really true, or honestly, though incorrectly, believed to be true by the writer by the successful candidate, acting as men of normal intelligence and fair-mindedness. The foregoing discussion shows that they are patently false and no man in his senses and with a spark of an idea of fairplay would believe them to be true and not false.

37. As the only possible consequence of the findings the appeal is allowed, the order of the Tribunal set aside and it is declared that the election of Vidyacharan Shukla respondent No. 1—the successful candidate to the Lok Sabha from Mahsampur constituency is void for corrupt practices coming under Section 123(4) of the Representation of the People Act of 1951. He shall pay the appellant costs of this appeal which we assess at Rs. 300·00 (three hundred) subject to the usual certification. In addition he shall refund the costs and counsel's fee awarded to him by the Tribunal and paid by the appellant, and further pay him (appellant) Rs. 500·00 (five hundred) as costs before the Tribunal.

(Sd.) S. P. BHARGAVA,

(Sd.) H. R. KRISHNAN,

Judge.

Judge.

Dated the 23rd April, 1963.

[No. 82/258/62]

By Order,

K. S. RAJAGOPALAN, Under Secy.

MINISTRY OF WORKS, HOUSING & REHABILITATION

(Department of Works & Housing)

New Delhi, the 28th May 1963

S.O. 1531.—In pursuance of the provisions of rule 45 of Fundamental Rules, the President hereby directs that with effect from the 1st June, 1963, the Allotment of Government Residences (General Pool in Delhi) Rules, 1963, for the time being in force and applicable to Government Residences in Delhi, shall apply *mutatis mutandis* to the allotment of Government residences in Nagpur and that the said rules shall have effect in their application to Nagpur subject to the following modifications, namely:—

In the said rules—

(1) for the word "Delhi" wherever it occurs except in S.R. 317-B-2(c), the word "Nagpur" shall be substituted;

(2) for S.R. 317-B-2(c), the following shall be substituted, namely:—

"Nagpur means the areas included within the limits of the Municipal Corporation of Nagpur."

(3) S.R. 317-B-8 shall be omitted;

(4) after S.R. 317-B-26, the following rule shall be added at the end, namely:—

"Delegation of powers—S.R. 317-B-27. The Director of Estates may, by general or special order in writing direct that subject to such conditions, if any, as may be specified in the order, any power exercisable by him under these rules shall be exercisable also by the Assistant Estate Manager, Nagpur."

[No. 3/7/63-Acc.I.]

S.O. 1532.—In pursuance of the provisions of rule 45 of Fundamental Rules, the President hereby directs that with effect from the 1st June, 1963, the Allotment of Government Residences (General Pool in Delhi) Rules, 1963, for the time being in force and applicable to Government Residences in Delhi, shall apply *mutatis mutandis* to the allotment of Government residences in Bombay, and that the said rules shall have effect in their application to Bombay subject to the following modifications namely:—

In the said rules—

(1) for the word "Delhi" wherever it occurs except in S.R. 317-B-2(c), the word "Bombay" shall be substituted;

- (2) for S.R. 317-B-2(c), the following shall be substituted, namely:—
“‘Bombay’ means the areas included within the limits of the Municipal Corporation of Greater Bombay.”
- (3) in S.R. 317-B-3,—
(a) in sub-rule (1), for the words “six miles” wherever they occur, the words “twelve miles” shall be substituted;
(b) for sub-rule (3)(b)(iii), the following shall be substituted, namely:—
“(iii) before the 1st July, 1957; or”;
- (4) S.R. 317-B-8 shall be omitted;
- (5) after S.R. 317-B-26, the following rule shall be added at the end, namely:—
“*Delegation of powers.*—S.R. 317-B-27. The Director of Estates may, by general or special order in writing direct that subject to such conditions, if any, as may be specified in the order, any power exercisable by him under these rules shall be exercisable also by the Estate Manager or an Assistant Estate Manager, Bombay.”

[No. 3/7/63-Acc.I.]

S.O. 1533.—In pursuance of the provisions of rule 45 of Fundamental Rules, the President hereby directs that with effect from the 1st June, 1963, the Allotment of Government Residences (General Pool in Delhi) Rules, 1963, for the time being in force and applicable to Government Residences in Delhi, shall apply *mutatis mutandis* to the allotment of Government residences in Calcutta and that the said rules shall have effect in their application to Calcutta subject to the following modifications, namely:—

In the said rules—

- (1) for the word “Delhi” wherever it occurs except in S.R. 317-B-2(c), the word “Calcutta” shall be substituted;
- (2) for S.R. 317-B-2(c), the following shall be substituted, namely:—
“‘Calcutta’ means the areas included within the limits of the Municipal Corporation of Calcutta.”
- (3) in S.R. 317-B-3,—
(a) in sub-rule (1), for the words “six miles” wherever they occur, the words “twelve miles” shall be substituted;
(b) for sub-rule (3)(b)(iii), the following shall be substituted, namely:—
“(iii) before the 1st July, 1957; or”;
- (4) S.R. 317-B-8 shall be omitted;
- (5) after S.R. 317-B-26, the following rule shall be added at the end, namely:—
“*Delegation of powers.*—S.R. 317-B-27. The Director of Estates may, by general or special order in writing direct that subject to such conditions, if any, as may be specified in the order, any power exercisable by him under these rules shall be exercisable also by the Estate Manager or an Assistant Estate Manager, Calcutta.”

[No. 3/7/63-Acc.I.]

S.O. 1534.—In pursuance of the provisions of rule 45 of Fundamental Rules, the President hereby directs that with effect from the 1st June, 1963, the Allotment of Government Residences (General Pool in Delhi) Rules, 1963, for the time being in force and applicable to Government Residences in Delhi, shall apply *mutatis mutandis* to the allotment of Government residences in Simla and that the said rules shall have effect in their application to Simla subject to the following modifications, namely:—

In the said rules—

- (1) for the word “Delhi” wherever it occurs except in S.R. 317-B-2(c), the word “Simla” shall be substituted;
- (2) for S.R. 317-B-2(c), the following shall be substituted, namely:—
“‘Simla’ means the areas included within the limits of the Municipal Committee of Simla.”

(3) in S.R. 317-B-3,—

(a) in sub-rule (1), the words “which is located within six miles of the place of his duty and” wherever they occur shall be omitted.

(b) for sub-rule (3)(b)(iii), the following shall be substituted, namely:—
“(iii) before the 1st June, 1963; or”

(4) S.R. 317-B-8 shall be omitted;

(5) after S.R. 317-B-26, the following rule shall be added at the end, namely:—

“*Delegation of powers.*—S.R. 317-B-27. The Director of Estates may, by general or special order in writing direct that subject to such conditions, if any, as may be specified in the order, any power exercisable by him under these rules shall be exercisable also by the Assistant Estate Manager, Simla.”

[No. 3/42/62-Acc.I.]

V. P. SUD, Dy. Secy.